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ARCHIVES OF MARYLAND

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

1693-1696/7

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE
Editor

BALTIMORE
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Rooms of the Maryland Historical Society,

Baltimore, *August* 1, 1900.

To the Maryland Historical Society:

Gentlemen:

We have the honor to submit the Twentieth Volume of the Maryland Archives, being the Proceedings of the Council of Maryland, 1693–1696/7.

Respectfully,

Clayton C. Hall,
Henry Stockbridge, Jr.,
Bernard C. Steiner,
Committee.

ARCHIVES OF MARYLAND.

The following volumes have been published:

I.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1637/8–1664, 1883

II.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1666–1676, - 1884

III.

PROCEEDINGS OF THE COUNCIL, 1636–1667, - - - - - - - - - 1885

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JUDICIAL AND TESTAMENTARY RECORDS OF THE PROVINCIAL COURT, 1637–1650, - - - - - - - - - - - - - - - - - - 1887

V.

PROCEEDINGS OF THE COUNCIL, 1667–1687/8, - - - - - - - - 1887

VI.

CORRESPONDENCE OF GOVERNOR HORATIO SHARPE, I, 1753–1757, - 1888

VII.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1678–1683, - 1889

VIII.

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XI.

Journal of the Maryland Convention, July 26–Aug. 14, 1775 / Journal and Correspondence of the Council of Safety, Aug. 29, 1775–July 6, 1776, } 1892

XII.

Journal and Correspondence of the Council of Safety, July 7–Dec. 31, 1776, - - - - - - - - - - - - - - - - - 1893

XIII.

Proceedings and Acts of the General Assembly, 1684–1692, - 1894

XIV.

Correspondence of Governor Horatio Sharpe, III, 1761–1771, 1895

XV.

Proceedings of the Council, 1671–1681, - - - - - - - - - 1896

XVI.

Journal and Correspondence of the Council of Safety, Jan. 1–March 20, 1777, Journal and Correspondence of the State Council, March 20, 1777–March 28, 1778, } 1897

XVII.

Proceedings of the Council, 1681–1685/6, - - - - - - - - 1898

XVIII.

Muster Rolls and Other Records of Service of Maryland Troops in the American Revolution (*in the press*), - - - 1899

XIX.

Proceedings and Acts of the General Assembly of Maryland, September, 1693–June, 1697, - - - - - - - - - - - - 1899

XX.

Proceedings of the Council, 1693–1697, - - - - - - - - - 1900

PREFACE.

On the death of Governor Copley in 1693, Sir Edmond Andros, then Governor of Virginia, at once seized the government of Maryland, by virtue, as he declared, of a royal commission empowering him so to do in the event of Copley's death, and the absence of Francis Nicholson, the Lieut.-Governor, who was in England. The commission, however, on being examined was found to read otherwise, making the appointment contingent on the death of Nicholson and the absence of Copley. A question as to its validity under the circumstances was raised in the Assembly, but no opposition was made to the assumption of Andros, who soon returned to Virginia, leaving Nicholas Greenberry, President of the Council, as acting Governor.

Sir Thomas Lawrence, their Majesties' Secretary for Maryland, had been impeached by Copley's administration, deprived of his offices and imprisoned, against which actions he had appealed to the Board of Trade. An order from that body was now received, declaring these proceedings illegal, and reinstating him in his offices. In May, 1694, Sir Thomas was appointed by Andros President of the Council and acting Governor.

In the summer, Nicholson came into the Province, produced his commission and assumed the government.

It is to be regretted that no biography of Nicholson has been written, and still more to be regretted that a considerable part of the slight information we have, comes from certainly hostile, and probably unscrupulous sources. The recorded facts of his life, in brief, are these :

Francis Nicholson was born, it is said, in 1660, but the place of his birth is not mentioned. In the earliest notice of him, we find him a commissioned officer in the British navy, first as ensign, and then as lieutenant. His connection with America began in 1686, when he was sent out as Lieutenant-Governor of the northern colonies, which had been consolidated under the rule of the violent and arbitrary Sir Edmond Andros, whose destiny seems to have been to carry a storm-centre with him wherever he went.

When the news of the Revolution of 1688 had reached America, Andros, who was supposed to be a partisan of James, and whose ideas of popular freedom and the sanctity of charters were James's own, was deposed by a popular uprising and thrown into prison in Boston. Nicholson, who represented him in New York, also fell under suspicion. Though he was well known to be a Protestant, his commission from a Catholic monarch was little less than the mark of the beast; and a rumor arising that he was plotting to surrender the province to the French, a revolt broke out, headed by a German named Jacob Leisler, who seized the fort and usurped the government. Nicholson, finding himself powerless to resist, sailed for England.

In 1690 he was sent out to Virginia as Lieut.-Governor—that is, really as Governor, as Lord Howard of Effingham, fortunately for the province, determined to reside for the future in England, and limit his activities to drawing his salary. Nicholson showed himself to be a governor of a different kind from his narrow-minded and rapacious chief. He had paid much attention to colonial affairs, and sent important information and valuable advice to the Privy Council. His residence in New York had opened his eyes to the far-reaching designs of the French, and the perils threatening British rule in America, and he strongly urged a union of all the colonies on the mainland in defence against Canada.

Nor was he concerned with foreign policy alone. He saw in Virginia the great need of popular education. There were practically no schools in the Province, and while wealthy planters could import private tutors for their sons, and then send them to England or the continent to finish their education, the less prosperous had to see their children grow up in ignorance. Nicholson set zealously to work to improve this state of things, both by exhortation and example. For one thing, he gave his houses and lots in Yorktown for the establishment of a free school.

More important was his coöperation with the excellent Dr. James Blair in founding William and Mary College, which was chartered in 1693, with Blair as the President, and Nicholson as the head of the Board of Trustees. Its objects were three-fold: to provide a seminary of ministers of the Gospel, to educate youth in good letters and manners, and to propagate Christianity among the Indians. Nicholson lent this noble foundation his heartiest support until his recall to England and subsequent assignment to another field of duty in Maryland.

In July, 1694, Nicholson arrived in the Province. In September he summoned an Assembly to meet at St. Maries, and at once began to impress upon the members the importance of public education. He desired the doors of knowledge to be thrown open to the poor: the rich could open them for themselves; and what he wanted was a free school in every county. Our ancestors—with all respect to their memory—were a rather close-fisted generation, and this was a proposition to take their breath away. Ten counties—ten schoolhouses to be built—ten schoolmasters to be paid!

But Nicholson was not the man to be turned from his purpose. He argued and pleaded with the Councillors and Burgesses. They would begin with one school at Severn. He would himself give more than anybody. He would pay £50 sterling out of his own pocket at once, and £25 yearly as long as he held office. He would give his one-third of all vessels forfeited for violation of the navigation acts [see p. 181]. In fine, he pushed and dragged and shamed them into liberality; and the Council and Burgesses at last loosened their purse-strings and contributed 45,000 pounds of tobacco toward building a schoolhouse and engaging a master. Indeed they thought they saw their way clear to two free schools, one at Severn for the Western, and one at Oxford for the Eastern Shore.

Nicholson also turned his attention toward the insufficient provision for the clergy, whose condition in Maryland was, for the most part, deplorable, and urged the erection of a decent parsonage house with suitable glebe, in every parish; and with his usual liberality offered £5 sterling out of his own pocket toward building each house, and to take on himself the expense of surveying the glebes. His zeal and generosity so impressed the Lower House, that they passed an address of thanks to him, which may be read in the Assembly proceedings.

Another important act of his, in 1694, was to remove the seat of government from St. Maries to the new town on the Severn, called Anne Arundel, and afterwards Annapolis. It was a wise and indeed a necessary change. The centre of population had moved northward, and St. Maries was at the extreme southern boundary, besides being unhealthy.

In 1696 the desire of Nicholson's heart was fulfilled. An Act was passed providing for a free school at Annapolis to be called King William's School. The administration was to be vested in a Board of Trustees, with Nicholson at their head, incorporated as the Rectors,

Governors, and Trustees of the free schools of Maryland. Provision was made for its support by an export duty on furs; and whenever the yearly income from all sources should exceed £120, the overplus should go to founding another school at Oxford.

In 1698 Nicholson returned to Virginia as Governor, where one of his first acts was to transfer the capital from unhealthy Jamestown to a more salubrious site on the peninsula between the James and York rivers, where he laid out a city which he named Williamsburg. He was still disquieted at the aggressive plans of the French; and perceiving that it was not possible to induce the colonies to coöperate in any system of defence, he wrote to the English government recommending that they should all be placed under a viceroy with regal powers, and a standing army organized.

Nicholson was recalled to England in 1705, and I have not found any record of his career until 1709, when he was placed in command of a force intended to operate in conjunction with a British fleet against the French at Montreal. He began his work with great diligence, and strengthened the frontier defences, but the promised fleet failed to arrive in time and the plan was abandoned.

He then returned to England to advise as to the further prosecution of the war. The French had made firm friends of the Algonkin tribes of Indians (known in our records as "Canada Indians") and Nicholson was urgent that alliances should be maintained with their enemies, the Five Nations, or Iroquois. To enforce his arguments he took with him to England five great Sachems of the Mohawk tribe, whose appearance made a strong impression upon the Londoners, as may be seen by references in the literature of the time. Oddly enough, these Indians furnished the name of "Mohocks" to a ruffianly crew who infested the streets of London for years, and with whose outrages all who have read the literature of Anne's reign are familiar.

Nicholson was also commissioned by the Massachusetts Assembly to urge action against the French Acadians. This suggestion was carried out, a force was sent, and Acadia seized as well as Port Royal, in which latter operation Nicholson commanded, and of which he afterwards published an account.

In 1711 there were renewed operations against Canada, and Nicholson was placed at the head of all the land forces, to be assisted by a British fleet. Again the plan resulted in failure; the fleet was wrecked, and an attack upon Quebec having failed, he

could only disband his forces in the field, and devote his energies to strengthening the frontier.

In 1713 he was appointed Governor of Nova Scotia, and in 1720 he was knighted for his many and important services.

In 1719 the Proprietors of South Carolina were adjudged to have forfeited their charter, and the province was made a royal government. Maladministration had brought the colony to a sad pass; discontent was universal, the Indians were threatening the interior, the coast was infested by pirates, the Spaniards were planning an attack, and an insurrection had broken out, menacing the government. Nicholson arrived in 1721, and was received with universal demonstrations of joy. He soon quieted all discontents, cleared the coast of pirates, and made a firm alliance with the Indians. Here too he promoted the building of schools, contributing liberally from his private means, and bringing over teachers from England.

In 1725 Nicholson returned to England and never revisited America, though he retained the nominal governorship of South Carolina until his death, on March 5, 1728 (N. S.). By his will, dated a year before his death, he dedicated all his property in Virginia, New England and Pennsylvania to missionary purposes.

Dr. Bray,* in his *Memorial on the Present State of Religion on the Continent of North America*, says of Nicholson:

"The gratitude which all who are well affected to Christianity do owe, more especially the Clergy, and above all myself to that admirable Patron of Religion and Learning, Colonel Francis Nicholson, the present Governour of Virginia, forbids me to pass over in silence those glorious works which he is there carrying on with such unusual Application, and which when accomplished must render his Memory sweet to all succeeding generations."

On March 24, 1900, the Maryland Society of the Colonial Dames of

* The Rev. Thomas Bray (1656–1730) was appointed by the Bishop of London his Commissary in Maryland in 1695, though owing to a defect in the Act establishing the Church of England, he could not set out for the Province until 1699. The Maryland clergy being for the most part too poor to buy books, Dr. Bray exerted himself for the establishment of parochial libraries in the Province, and obtained subscriptions from both archbishops and a number of bishops. His first library was established in Annapolis, Queen Anne contributing liberally, and by his exertions no less than thirty-nine such libraries were founded in America in his lifetime. In all this good work he had the zealous support of Governor Nicholson. He obtained from King William in 1701 a charter for an association for the propagation of the Gospel in the plantations, and labored unremittingly in the causes of missions and education until his death.

America erected, in memory of Gov. Nicholson, in the McCoy Building, Johns Hopkins University, a tablet with this inscription:

To
Commemorate the Liberality
and Zeal for Learning
of
FRANCIS NICHOLSON
Governor of Maryland
By whose Exertions and Bounty
was founded in 1696
The first Free School in the Province

This Tablet is Erected by
The Maryland Society
of the
COLONIAL DAMES OF AMERICA
1900

To return to our Council Record:

Nicholson's dealings with the insolent and flagitious John Coode, will be found more at large in the Assembly Journal. This wretch, an apostate clergyman of profligate life and foul and blasphemous speech, had been a stirrer-up of sedition in the Province ever since Fendall's time, and was the chief ringleader in the conspiracy that seized the government in 1689.

The editor has just received, from Henry F. Thompson, Esq., the following interesting letter about Fendall and Coode, copied by Mr. Thompson from the original in the Bodleian Library, Oxford.

Letter from the Chancellor of Maryland to Col. Henry Meese Merchant in London Concerning the late Troubles in Maryland.

Colonel Meese

Yoakely being now ready to Sail, I thought it fit to acknowledge the receipt of your Letters this year; I have only that before me, which you writ by Mr. Ambrose Sanderson, and shall for your sake, his Functions, and his own, serve him in any thing I may; The rest of your letters I have left at home, so must defer my answer till the next Ship.

I find by the Masters of the Ships, that the Imprisonment of Capt.

Josias Fendall, and Capt. John Coode, hath made so great a noise at London; and therefore I thought it necessary to give you an account of it, as having been formerly an Inhabitant of Maryland and an Eye-witness of the carriage of Capt. Fendall in the years 1659, and 1660, when he Perfidiously broke his oath and Trust, being Governour of this Province; cancelled his Commission from the then Lord Proprietor, and took a new one from the Assembly. For that offence he was only Fin'd and declar'd uncapable of ever bearing any Office in this Province, as you may remember, and that hath gaul'd him ever since; and to get into Office he now sets all his Wits to work inciting the People in Charles's County to Mutiny and Sedition; and Tampering with some of the Justices of Peace in St. Marie's County: First telling the People they were Fools to pay any Taxes (though laid by Act of Assembly) that there was Wars in England between the King and the Parliament; and that now nothing was Treason, a man might say anything; And then to the Justices hinting how easie a matter it was to overturn the Government here by seizing the Lord Proprietor, the Chancellor, Secretary and Colonel Darnall, all the rest (as he said) signifying nothing. The Justice of the Peace told him he had no Commission, and that it would be downright Rebellion. He went from him, and revealed this discourse to another Justice, who discovered this whole matter to my Lord. Shortly after this Capt. John Coode falls upon a time, at a Feast, into discourse with a Papist, who was suing a Friend of his for a piece of Land; and said, That he need not trouble himself for a piece of Land, for that no Papist in Mary-land should be Owner of any Land at all in this Province within three months; for that he had ten thousand Men at his Command; and he could make it High-water or Low-water when he pleased.

After this, Coode was observed to make Visits to Fendal, which he never used to do before, and they both went over into Virginia; and within a few days after their return from thence, a Boat designed for Carolina from Maryland, was forced in by bad weather to a House in Virginia, where the Owner of the Boat heard that Fendal and Coode had been thereabouts; and that the whole discourse there was that Fendal intended to raise Mutiny in Maryland, and that he and Coode would carry their Families into Virginia. This being Sworn to, and at that very instant Information being given, that one of Capt. Coode's Servants reported, that his Master intended to remove his Family on the Thursday following into Virginia; made my Lord think it high time to look to the Security and Peace of the Province, and

therefore sent Colonel Darnal with about ten men to bring Coode and Fendal before him and the Council; Colonel Darnal came to Coode's when it was light and the Servants using to go to work opened the door, at which Colonel Darnal entered alone, leaving his Men without, and coming into Mr. Coode's Chamber, told him he was his Prisoner; Coode at first laid his hand upon his Sword, but at last yielded; after which Col. Darnal went over the River, and took Capt. Fendal also, and brought them before my Lord and Council. And the next day after, Mrs. Coode did Hector my Lord at a rate I never heard from a Woman before; by which you may conclude she was not run mad with the fright of her Husband's being pull'd out of his Bed, as we were told her son Slye falsly reports at London.

Three or four days after I saw her at St. Maries, and then I did suspect she would not continue long in her wits, knowing she had been mad awhile upon the death of her eldest son, about the year 1659 and had heard she sometimes fell into like Fits since.

After this my Lord took Bail for Coode within five days, but Fendal was kept till my Lord had secured Lieutenant George Godfrey, who laid a Plot to unhorse his Captain, and carry the Troop to the rescue of Fendal, instead of searching for the Indians, that had Murther'd some of our Planters and were daily expected to fall into Charles County, in great numbers; as they afterwards did in less than three weeks.

My Lord intends to send over their Tryals, that the World may see with how much Favour the Court proceeded, and to stop the Mouth of Calumny; so that I shall not trouble you now any further but ere I make an end, must present my own and my Wifes service to your second-self as you stile her; and so subscribe

myself Sir, Your humble Servant

Philip Calvert.

From Patuxent River-side this 29" December 1681.

Liber H. D, from which nearly the whole of the present volume is taken, presents peculiar difficulties to an editor. The scribe, while entering the sessions of the Council in regular order, had a way of recording letters, commissions, and other documents at the end of the book, under a separate paging. Many of the entries in the body of the book are quite out of place, as if the writer had got his original notes confused, and worked them in wherever he found a blank space. As far as possible these have been brought into chronological order.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SIR EDMOND ANDROS,
Governor ad Interim.

1693–94.

Oaths of Allegeance & Abhorrency

I A: B: doe sincerely promise and sweare that I will be faithful and beare true Allegeance to their Maj^{ties} King William & Queen Mary. Soe helpe me God &c^{a} Lib. C. B.

I A: B: do sweare that I doe from my heart abhorr, detest and abjure as impious & hereticall, that damnable doctrine & position, that Princes Excom̄unicated or deprived by the Pope or any Authority of the See of Rome may be deposed or Murdered by their Subjects, or any other Power.

And I doe declare that noe fforreign Prince, person, prelate, State or Potentate hath or ought to have any Jurisdiction, power, superiority or Authority Ecclesiasticall or spirituall within the Kingdome of England or the Dominions therevnto belonging,

Soe help me God.

The oath of Govern^{r} or Com̄ander in Chiefe.

I A: B: do sweare that I will be true and ffaithfull to their Maj^{ties} King William and Queen Mary their heires and Succesſo^{rs} and their Rights and Royall Jurisdictions all and every of them in to and over this their Province of Maryland and the Islands therevnto belonging I will at all times defend & Maintain to the Utmost of my Power, and will never accept nor Execute any place, office or Imploym^{t} within the said Province any way concerning or relateing to the Governm^{t} of the said Province from any person or Authority but by from or Under a Lawfull Authority derived or to be derived from time to time from their said Maj^{ties} their heires and Successors I will faithfully serve their Maj^{ties} as their Govern^{r} (or Com̄ander in Chiefe) of the said Province and in all other Offices Com̄itted to my Charge by their Maj^{ties} Com̄ission or Com̄issions to me (and will willingly yield vp the said Com̄ission & Com̄issions again, and all Offices, powers and Authorities Granted or to be Granted by them or any of them into the hands of their Maj^{ties} their heires and Succesſo^{rs} or to such person or persons as they shall appoint whensoever they shall appoint me soe to doe and shall signifye the same vnto me, and will not presume to put in Execution, or attempt to Execute any office power or Authority Granted vnto me by any

Lib. C. B. of the said Comission or Comissions after that their said Majties their heires & Successors shall Repeale them or any of them respectively and that the said Repeale be published within this Province; I will doe equall Justice to the Poore and to the Rich within this Province to my best skill Judgmt and Power, according to the Laws and Ordinances of the said Province, and in default thereof according to my conscience & best discretion, and the power Granted or to be Granted to me by their said Majties Comission or Comissions I will not for feare favour or affection or any other Cause lett, hinder or delay Justice to any but will truely execute the said Office and Offices respectively according to their Comission to me in that behalfe, and to the true intent and meaning thereof and not otherwise to the best of my Understanding and Judgemt; I will not know of any attempt against their said Majties persons their Rights or Dominion in to or over the said Province, and the people therein, but I will prevent Resist and oppose it, to the Utmost of my power, and make the same knowne with all convenient speed to their said Majties and I will in all things from time to time as occasion shall require faithfully counsell and advise their said Majties according to my heart and Conscience.

Soe help me God.

A Councillors Oath.

I A: B: do sweare that I will be true and faithfull to their Mats King William and Queen Mary their heires and Successors and their Rights and Royall Jurisdictions all and every of them in to and over this their Province of Maryland and the Islands therevnto belonging I will at all times defend & Maintain to the Utmost of my power, and will never accept off nor Execute any place, Office or employmt within the said Province any way concerning or relating to the Governmt of the said Province from any person or Authority, but by from or vnder a Lawfull Authority derived or to be derived from time to time from their said Majties their heires & Successors the peace & Welfare of the People of this Province I will ever procure as farr as I can, I will aid and assist the administering & Execution of Justice in all things to my power, to none will I denye Right for feare favour or affection, I will to my best skill and according to my heart and conscience give good & faithfull Councill to their Majties their heires & Successors and to their Governor or Comander in Chiefe for the time being, when therevnto I shall be called, I will keepe secret all Matters comitted or revealed vnto me, or which shall be Moved or debated secretly in Councill, and faithfully

declare my minde & opinion therein, according to my heart & conscience And if any of the said Treaties or Councills shall touch any of the privy Councillo^{rs} of the Province I will not Reveale the same Unto him soe touched or concerned but will keepe the same secret, Untill such time as by the consent of their Maj^{ties} or their Governo^{r} or Comander in Chiefe here for the time being publication shall be made thereof I will alsoe as a Councillo^{r} and as a Justice & Commission^{r} for conservation of the peace of this Province doe equall Right Unto the Poore and to the Rich to the best of my Understanding & Judgem^{t} according to the Laws from time to time in force within this Province, and in default thereof according to my best discretion and generally in all things will doe as a ffaithfull Councillo^{r} to their said Majesties. Lib. C. B.

Soe help me God.

Oath of Clerk of the Councill.

I A: B: doe sweare that I will well and truely Execute the place and Office of Clerk of their Maj^{ties} Councill within this Province of Maryland, The Secrets thereof I will faithfully keepe & not divulge or comunicate them to any without particular Lycense or leave soe to doe, a true and perfect Record I will keepe of the Proceedings thereof soe farr forth as I can Collect the same, and in all things will I act & doe as to the place & Office of Clerk of their Maj^{ties} Councill belongeth according to the best of my Judgem^{t} skill & Understanding.

Soe help me God.

Oath of Comissary of the Prerogative Office, the same being administered Unto M^{r} Kenelm Cheseldyn, before the Hon^{ble} Nicholas Greenberry Esq president of the Councill, the 4th day of Octob^{r} Anno 1693 and followeth in these Words.

You doe Sweare that you will Execute & performe the Office of Comissary Generall of this Province, according to the Teno^{r} of the Comission now granted you, and that you will administer justice to all persons, relateing to probate of Wills and Granting Administrations and in all other things belonging to your said Office according to the best of your knowledge & Understanding, and that you make or cause to be made a true and perfect faire Record of all your Proceedings in your said Office, and that you will secure and preserve the Records already comitted or to be comitted to yo^{r} Charge belonging to the said Office to the best of yo^{r} care and Understanding—

Soe help you God.

Lib. C. B. Vnderneath the said Oath was thus Written, Viz[t]
I doe approve of the above Oath as proper to be admit[r]ed to the Comissary Generall

George Plater
Attorney Gen[ll]

October 4[th] 1693.

M[r] Cheseldyne Sworne before me,

Nich: Greenberry

Maryland ss

Att the Citty of S[t] Maries 8[ber] the 3[d] 1693

We the Subscribers doe declare that we doe believe that there is not aney transubstantiation in the Sacrament of the Lords Supper or in the Elements of bread and wine, att or After the Consecration thereof by aney ꝑson whatsoeuer

E Andros
Nich: Greenberry
Char Hvtchins
David Browne
Thomas Tench
John Addison
Tho: Brooke
John Courts

p. 1. At a Councill held at the Councill Chamber at the City of S[t] Maries the 25[th] day of September Anno Domini 1693, in the ffifth yeare of the Reign of our Soveraign Lord & Lady King William & Queen Mary &c[a]

Present

S[r] Thomas Laurence
Coll Nicholas Greenberry
Coll Charles Hutchins
Coll David Browne

Thomas Tench Esq[r]
Cap[t] John Addison
Thomas Brooke Esq[r]

S[r] Edmond Andros produces Comission, by wch he demands this Govern[mt]

His Ex[ncie] S[r] Edmond Andros alsoe appeared and produced to the Board their Maj[ties] Comission of the third day of March 1691 in the ffourth yeare of their Reign, constituteing & appointing him the said S[r] Edmond Andros, in case of the death of Cap[t] ffrancis Nicholson their Maj[ties] Lieveten[t] Governo[r] and the absence of Coll Lionell Copley their late Governo[r] in Chiefe, in and over this Province, with full power & Authority to

execute & performe all and singular the powers & directions contained in their Majᵗⁱᵉˢ Royall Comission & instructions to the said Copley, by Vertue whereof he did demand in their Majᵗⁱᵉˢ Names the Governmᵗ of this their Province and desired the Opinion of the Board what they have to say thereunto. Lib. C. B.

Sr Edmond Andros Comission read

The Comission being Read & duely considered, they are of Opinion, and doe respectively and distinctly declare, that the same ought to take place, and that the Governmᵗ of this Province doth from henceforth divolve vpon his Exᵉᵉ the said Sr Edmond Andros, by Vertue of the said Comission, which was Ordered to be Recorded in the Journall of this Board, and is as follows, Vizᵗ

William R.

Sr Edmond Andros his Comission

William & Mary by the Grace of God King & Queen of England, Scotland, ffrance & Ireland defenders of the ffaith &cᵃ To our trusty & well beloved Sr Edmond Andros Knight our Lieveten^t & Governoʳ Genˡˡ of our Colony & Dominion of Virginia in America Greeting Whereas by our Comission under our Great Seale of England beareing Date the 27th day of June in the third yeare of our Reign Wee have thought fit to constitute & appoint our Trusty & well beloved Lionˡ Copley Esqʳ our Capᵗ Genˡˡ & Governoʳ in Chiefe in & over our Province & Territory of Maryland in America: And whereas by our Comission vnder our Signet & Signe Manuall Wee have appointed our Trusty & well beloved Capᵗ ffrancis Nicholson to be our Lieveten^t Governʳ of our said Province & Territory, Wee reposeing especiall Trust & confidence in your Loyalty, Courage & Circumspection, doe by these Presents constitute & appoint you the said Sr Edmond Andros, upon the death of the said Capᵗ ffrancis Nicholson and in the absence of the said Coll Lionel Copley to be Comander in Chiefe in & over our said Province & Territory of Maryland, To have, hold, Exercise & Enjoy the Office & place of Comander in Chiefe of our said Province and Territory of Maryland for and dureing our pleasure, with all the Rights, priviledges, profits & advantages to the same belonging and appertaining in case of the death of the said Capᵗ ffrancis Nicholson and absence of the said Coll Lionel Copley as aforesᵈ with full power and authority to execute & performe all & singular the powers & directions contained in our said Comission to the said Coll Lionel Copley & such instructions as Wee have already or shall hereafter from time to time send to him, And Wee hereby Comand all & singular our Officers, Ministers & loveing subjects of our said Province p. 2.

Lib. C. B. & Territory and all others whome it may concerne to take due Notice hereof & to give their ready obedience accordingly, Given at our Court at Kensington the third day of March 169½ in the ffourth yeare of our Reign.

By his Majties Comand
Nottingham.

p. 3 His Exncie demanded a List of the Councellors Names according to the Kings instructions and their present Qualifications, which was delivered him.

His Exncie & Councellors sworne — The Oaths appointed by Act of Parliamt to be taken instead of the Oaths of Allegeance & Supremacy, together with the Oath of Comander in Chiefe were administred to his Exncie according to forme which haveing taken he was pleased to administer the said Oaths and the Oath of a Councellor to Sr Thomas Laurence, Coll Nehemiah Blackiston, Coll Nicholas Greenberry Coll Charles Hutchins, Coll David Browne, Thomas Tench Esq, Capt John Addison & Thomas Brooke Esq.

Mr LLewellin sworne — John LLewellin sworne Clerk of the Councill, and hath alsoe administred to him the aforesd Oaths appointed by Act of Parliamt

Officers Civill & Military continued by Proclamation — His Exncie was pleased, by advice of the Councill, to Order that, vpon his Accession to the Governmt Proclamation should issue for the continueing of all Officers & Ministers Civill & Military within this Province in their respective stations, Officers & places till further Orders, and requiring them accordingly to execute & performe their Duties therein.

Adjourne till to Morrow Morning 9 Clock.

September the 26th 1693: Councill Mett & satt.

Present,
His Exncie Sr Edmond Andros.

Sr Thomas Laurence
Coll Nehemiah Blackiston
Coll Nicholas Greenberry
Coll Charles Hutchins

Thomas Tench Esq
Capt John Addison
Thomas Brooke Esq

Proclamacon for continuances of Officers passed the Seale

The Proclamation for continueing of all Officers &c[a] was signed by his Ex[ncie] this day in Councill, and Ordered to pass the Great Seale and be delivered forthwith to the Sherriffe of St. Maries County to Publish according to the Usuall forme. The same follows in these Words. Lib. C. B. p. 4

Maryland ss. By his Ex[ncie] a Proclamation.

Proclamation for continuance of Officers &c[a]

Whereas by the death of his Ex[ncie] Lionel Copley Esq their Maj[ties] late Cap[t] Gen[ll] and Governo[r] in chiefe in & over this their Province of Maryland, and the absence of Cap[t] ffrancis Nicholson, their Maj[ties] Lievetenant Governo[r] of the same, The Chiefe Comand and Governm[t] of the said Province is comited to the Charge and Conduct of me S[r] Edmund Andros Kn[t] (their Maj[ties] Lievetenant & Govern[r] Generall of their Colony & Dominion of Virginia) by their Maj[ties] Royal Comission vnder their Signet & Signe Manuall beareing Date the third day of March 169½ in the ffourth yeare of their Reign to me directed, with Relation to their Maj[ties] Comission to the said Lionel Copley made Letters Patents, beareing Date the 27[th] day of June in the third yeare of their Reign, and their Comission to the said ffrancis Nicholson vnder their Signet & Signe Manuall beareing date the 24[th] day of ffebruary in the ffourth yeare of their Reign, produced & read to and by their Maj[ties] Councill of this Province this day in Councill siting: I have (by & with the advice of the said Councill, vpon my Accession to the Command & Governm[t] afores[d]) thought fit to Proclame & declare, and doe hereby publish & make knowne, that all & singular their Maj[ties] Magistrates, Ministers & Officers civill & Military within this Province are & doe stand & Remaine continued & confirmed in their respective places and Offices afores[d] Until further Orders; hereby straightly Chargeing & enjoyning them and every of them respectively to Execute & performe the Duty of their respective places & Offices afores[d] as formerly they have or ought to have done; Willing alsoe & commanding all and singular their Maj[ties] loveing Subjects of the said Province, and all others whome it may concerne to take due Notice hereof, and yield all ready obedience therevnto, as they will answer the contrary at their perills, To which End I doe straightly Charge & Command all & singular the Sherriffes of the respective Counties of this Province to make publick Proclamation hereof in the most publick & convenient places within their respective Counties. p. 5

Given at the City of S[t] Maries the 25[th] day of September, Anno Domini 1693: in the ffifth yeare of the Reign of our Soveraign Lord & Lady King William and Queen Mary.

E Andros.

Lib. C. B. God save King William & Queen Mary.

Message from the House of Burgesses to desire to know the constitution of the Governmt &ca

Came from the House of Burgesses Capt John Hamond, Mr Thomas Tasker, Mr William Harris, Mr Edward Jones & Mr Thomas Greenfield, they say they are comanded by their house humbly to desire their Honors to Represent to them the present constitution of the Governmt that they may know how, and to whome to applye themselves vpon all occasions, according to their former Request, and concurrence of this board therevnto.

They are dismissed to expect an Answer.

Mr Tench sent to the House &ca

His Excie appoints & orders Mr Thomas Tench to goe to the house of Burgesses and acquaint them that his Excie comands their Attendance here in the Councill Chamber forthwith.

Mr Tench Returnes

Mr Tench haveing accordingly delivered his Message returnes from thence and takes his place at the Board.

The Speaker & rest of the Members appeare

The Speaker and the rest of the Members of the house of Burgesses came & presented themselves to his Excie

His Excie Dissolves the House of Assembly

To them he was pleased to declare that vpon the present Emergency of the death of the late Governor Copley, the King haveing comanded his services here; he had in obedience therevnto vndertaken this Journey hither, that he had (by advice in Councill) thought fit by Proclamation to Continue all Officers civill & Military within this p. 6 Province in their respective stations & places aforesd Untill further Orders, but vnderstanding that those Gentlemen the Representatives of the Province conveened by his Excie the late Governor Copley decd were now in Towne, he had sent for them at this time, to let them knowe that he did dissolve the present Generall Assembly, and the same is hereby in their Majties Names accordingly dissolved.

Proclamations to issue to declare the Assembly dissolved.

Ordered, by advice in Councill, that Proclamations be prepared to be signed by his Excie pass the Seale and Transmitted to the severall respective Counties of this Province to Publish, pronounce & declare the said Assembly to be dissolved.

The same being prepared & Signed, & passed the Broad

seale was transmited to the severall Counties of the Province Lib. C. B.
according to Order, the teno^{r} thereof running as follows, Viz^{t}

Maryland ss By his Ex^{ncie} a Proclamation.

Proclamation declareing the Assembly dissolved

Whereas the Generall Assembly of this Province begun and held at the City of S^{t} Maries the Tenth day of May Anno Domini 1692 by Writ from his Ex^{ncie} the late Governo^{r} Lionel Copley Esq dec^{d} hath been by severall Prorogations & adjournm^{ts} continued to the 20th day of this instant September: And the Chiefe Command & Governm^{t} of this Province being now divolved vpon me S^{r} Edmond Andros Kn^{t} by the death of the said Lionel Copley and the absence of Captain ffrancis Nicholson their Maj^{ties} Lievetenant Governo^{r} of this Province, by their Maj^{ties} Royall Comission to me directed for that purpose: I doe by & with the advice of their Maj^{ties} Councill of this Province, Proclame, publish and make knowne that the said Generall Assembly is dissolved, and the same is hereby in their Maj^{ties} Names declared and pronounced accordingly to be dissolved, whereof I doe straightly Charge & Comand all & singular the respective Sherriffes of the severall & respective Counties of this Province to make publick Proclamation in the most publick & convenient places within their respective Counties afores^{d} for the p. 7
Generall Information of all & singular their Maj^{ties} loveing Subjects within this Province, and to the End that all persons concerned may take due Notice thereof & conforme themselves accordingly.

Given at the City of S^{t} Maries the 26th day of September Anno Domini 1693 in the ffifth yeare of the Reign of our Soveraign Lord & Lady King William and Queen Mary.

E Andros.

God save King William & Queen Mary.

Kings Ord^{r} March 2^{d} 169$\frac{2}{3}$ Upon S^{r} Thomas Laurence Pet read &c^{a}

His Maj^{ties} Order in Councill March 2^{d} 169$\frac{2}{3}$ Upon S^{r} Thomas Laurences Petition, complaining of some hardships he lay vnder here in Relation to his Office of Secretary, and the Report of the Lords of the Comittee of Trade & Plantations thereon, being produced by S^{r} Thomas was read and Ordered to be Recorded in the Journall of this Board, and the Contents thereof to be duely observed & complyed with in all Respects, where the same is Required: To which End it was alsoe Ordered that the Booke of Laws, wherein is contained the Acts for Regulateing Ordinaries &c^{a}: and for settleing the Navall Officers ffees to which the said Petition & Order have Relation be produced to this Board in the Afternoon.

Adjourne till then 3 Clock.

Lib. C. B. September the 26th 1693: 3 Clock Afternoon.

Councill Mett & Satt.
Present,
His Excncie Sr Edmond Andros.

Sr Thomas Lawrence	Thomas Tench Esq
Coll Nehemiah Blackiston	Capt John Addison
Coll Nicholas Greenberry	Thomas Brooke Esq
Coll Charles Hutchins	

p. 8 Booke of Laws produced &ca

The Booke of Laws produced, according to the foregoeing Order of this Board, and the aforesd Acts concerning the Ordinary Keepers and Navall Officers ffees, read & compared with the aforementioned Order of the King & Councill vpon Sr Thomas Lawrence's petition &ca the further debate & Result whereof Referred till to Morrow, against which time the Order of Councill August 17th 1692 concerning the Chancery Writs to be alsoe produced.

Mr Craycrofts Motion about Mr Lynes

Mr John Craycroft, by Mr Wm Dent his Counsell being admited, humbly complains & Moves this Board for Reliefe against Mr Philip Lynes, against whome he had lately recovered in the Provinciall Court a Judgemt for 486lb stri with Costs of Sute, and therevpon served him with an Execution for the same, vpon which he was taken into Custody of the Sherriffe of St Maries County, from whence he hath been illegally discharged vpon a supersedeas & Writ of Errr by him surreptitiously obtained, with a designe to deferr & protract the makeing satisfaction for the Debt & Costs aforesd, And the said Craycroft haveing (vpon former application to this board) favourably obtained an Ordr of the 25th of August last for the said Lynes to file his Errors against the said Judgemt within tenn dayes after the date of the said Order, and peremptorily to come to a heareing and argueing of the same here at the begining of the Assembly; The said Lynes haveing in noe wise complyed therewith, the said Craycroft humbly prays the same may be dismissed this Board, and the said Lynes again remanded into custody vntill he have fully satisfyed & discharged the said Judgemt.

Comissionrs of Ann Arrundell County's Mo & prayers

Ordered that the same be dismissed this board. The Comissioners of Ann Arrundell County Court being Sumoned to appeare at the next Provinciall Court to answer for a contempt alleadged to have
p. 9 been Comitted by them, in disobeying a Precept or Writ of habeas corpus to them directed from the Justices of the Pro-

vinciall Court at the Sute of John LLewellin, wherein they plead ignorance and humbly submit themselves to the Clemency of his Ex^ncie^ and pray to be dismissed from their further attendance at the time appointed to their great charge & detriment. Lib. C. B.

His Ex^ncie^ by & with the advice of the Councill is willing to dispence with and they are hereby remitted from their Attendance afores^d^ and the penalties thereby accrewing.

Adjourne till to Morrow Morning 8 Clock.

September 27^th^ 1693: Council Mett & Satt.

Present,

His Ex^ncie^ S^r^ Edmond Andros.

S^r^ Thomas Laurence	Coll David Browne
Coll Nehemiah Blackiston	Thomas Tench Esq^r^
Coll Nicholas Greenberry	Cap^t^ John Addison
Coll Charles Hutchins	Thomas Brooke Esq^r^

Kings Ord^r^ vpon S^r^ Tho: Laurence's Pet again taken into consideration

Taken again into consideration the Order of King & Councill vpon S^r^ Thomas Laurence's Petition, and the Act concerning Ordinary Keepers Ordered to be read, wherevpon & vpon mature deliberation, it is Resolved that the said Act be set aside, pursueant to the Kings Comand, but it seeming to this board that the immediate utter vacating thereof by Proclamation, would be very prejudiciall to their Maj^ties^ service and the interest of the Countrey; besides that it would not (as they conceive) fully answer the Kings pleasure in favour of S^r^ Thomas: Resolved that the publication of seting aside the said Act be at present suspended for some time till their Maj^ties^ pleasure therein shall be further knowne, and that in the meane time the perquisite due for Ordinary Lycenses doe redound to the Use & benefit of S^r^ Thomas Laurence their Maj^ties^ Secretary, pursueant to the Kings Order, and not to the Governo^r^ as the said Act directs, his Ex^ncie^ haveing been pleased (Upon first the said Order of his Maj^ty^ in Councill) to signifye to this Board his renunciation of any pretence or Clame to the same or any part thereof. p. 10

Report of the Lords of the Comittee of Trade & Plantations vpon S^r^ Thomas Laurence Petition, together with the Kings Order thereon, is as follows.

Lib. C. B.

At the Court at Whitehall,
the second day of March 169⅔

Present,

The Kings most Excellent Maᵗʸ
in Council.

Report &cᵃ & Kings Ordʳ vpon Sʳ Thomas Lawrence's Pet

The Rᵗ Honᵇˡᵉ the Lords of the Comittee of Trade & Plantations haveing humbly Reported to his Majᵗʸ that they had considered the Petition of Sʳ Thomas Laurence Secretary of Maryland complaining of some hardships he lyes vnder in Relation to his Office, and that their Lordships haveing Examined the same, are humbly of Opinion; That as to the security demanded of him for the due Execution of his Office, he doe give his owne personall security in One thousand Pounds, and that each of the Tenn County Clerks doe give One hundred pounds security for the due performance of their respective places:

That the Act for Regulateing of Ordinaries, whereby the benefit of Lycenses for Ordinaries formerly belonging to the Secretary is Given to the Governoʳ may be disallowed by his Majᵗʸ

That the Order of the Governoʳ & Councill of Maryland of the 17ᵗʰ of August last, by which the Chancery Writs that have been alwayes issueable out of the Secretaries Office are appointed to be issued out of the Chancery and the ffees thereof to be paid to the Chancelloʳ may be set aside and the benefit of issueing those Writts doe remaine to the Secretary according to the Act of Assembly That their Lordships doe not finde Cause for any alteration in Relation to the ffees of
p. 11 the Navall Officer as at present settled by an Act of Assembly, in consideration of the trust reposed in the Governoʳ for the Execution of that Office.

His Majᵗʸ in Councill is this day pleased to approve thereof and to order, as it is hereby Ordered, that the said Sʳ Thomas Laurence doe enjoy the full benefit of his Office of Secretary of Maryland according to his Letters Patent vpon giveing his owne personall security in One thousand Pounds; and that each of the Tenn County Clerks doe give One hundred Pounds security for the due performance of their respective places. That the Act entituled an Act for Regulateing Ordinaries passed in the Assembly held in Maryland the Tenth day of May last & an Order of Councill Dated the 17ᵗʰ of August following concerning Chancery Writts be, as they are hereby, set aside & disallowed, and that the benefit of issueing those Writts doe remaine to the Secretary according to the Act of Assembly

That there be noe alteration in Reference to the ffees of the Navall officer as at present settled by an Act of Assembly in Maryland in consideration of the trust reposed in the Governo^{r} for the due Execution of that Office, And that the severall particulars proposed in the said Report be duely complyed with by all persons whome it may concerne. Lib. C. B.

William Blathwayt

Order about Chancery Writts produced

Produced & read an Ord^{r} of this Board passed August the 17th 1692 concerning the issueing out of Chancery Writts & settleing the ffees thereof vpon the Chancello^{r} Resolved & Ordered in Councill that the said Ord^{r} be quashed & wholly set aside, and that such Writts issue (as formerly) out of the Secretaries Office, and the ffees thereof Redound to the Secretary according to the Kings Ord^{r} afores^{d}

The Rangers to be considered to Morrow.

Attorney Gen^{ll} ordered to attend &c^{a}

Notice to be Given to the Attorney Gen^{ll} to attend his Ex^{ncie} & this board to Morrow Morning Early. p. 12

Adjourne till to Morrow Morning 8 Clock.

September the 28th 1693.

Henry Denton sworne Clerk of the Councill

Then was Henry Denton sent for to the Councill Chamber and admited Clerk of their Maj^{ties} hon^{ble} Councill of Maryland, whoe vpon his admittance tooke the Oaths appointed by the late Act of Parlim^{t} instead of the Oaths of Allegeance & Supremacy; as alsoe the Usuall Oath of Clerk of that Board; and were then present in Council,

His Ex^{ncie} S^{r} Edmond Andros.

S^{r} Thomas Laurence	Thomas Tench Esq
Coll Nicholas Greenberry	Cap^{t} John Addison
Coll Charles Hutchins	Thomas Booke Esq
Coll David Browne	

Then was delivered a Paper which contained a List of the Names of their Maj^{ties} Councill belonging to this board, the which Paper delivered ran in the these following Words Viz^{t}

List of the Councillors Names

List of the Councill delivered his Ex^{ncie} S^{r} Edmund Andros at his first Meeting the Councill and Produceing his Comission, Viz^{t}

S^{r} Thomas Laurence
Coll Henry Jowles—Suspended.
Coll Nehemiah Blackiston

Lib. C. B. Coll Nicholas Greenberry
Coll George Robotham—in England:
Coll Charles Hutchins
Coll David Browne
Thomas Tench Esq
p. 13 Cap^{t} John Addison
Capt^{t} John Courts—Sick.
Thomas Brooke Esq
M^{r} James ffrisby—Went for England & not sworne.
Vnderneath the said List was thus written, Viz^{t}

Sworne in Councill, September the 25th 1693.
Signed
p John LLewellin Cl Concil.

It being moved in Councill the Negligence of the former Clerk in keeping noe Record of any Councill Proceedings since the Arrivall of the late Governo^{r} Copley in Maryland;

M^{r} LLewellin Ordered to perfect the Councill business of his time

Ordered therevpon, by advice in Councill, that M^{r} John LLewellin former Clerk of this board without further delay proceed vpon the said Worke, and with all possible speed the same perfect & finish, which soe perfected & done he is to deliver vp imediately into the hands of the present Clerk, together with all other Councill Bookes & Papers to the said Office in any wise appertaining.

Adjourne till 2 Clock Afternoon.

Afternoon 2 Clock.
The Councill again Mett & Satt.

Present,
His Ex^{ncie} S^{r} Edmond Andros,

S^{r} Thomas Laurence, Coll Nehemiah Blackiston, Coll Nicholas Greenberry, Coll Charles Hutchins
Coll David Browne, Thomas Tench Esq, Cap^{t} John Addison, Thomas Brooke Esq

Their Majties Lrs about New Yorke read

p. 14 Upon their Maj^{ties} Letters here produced & read relateing to the assisting of New Yorke with a certain Quotta of Men & Money &c^{a} together with certain Letters & Papers from the Governo^{r} of that Colony to the said Effect, desireing alsoe this Governm^{t} to

appoint a Comissionr to be there on the first Wednesday of October next to Concert & agree with the other Comissioners from New England, Virginia & Pensilvania concerning the same; therevpon Moved in Councill whether anything had been done therein vpon which was made appeare by Receipt the transmiting of 300t stl thither, but that the long sickness; & death of the late Governor obstructed sending a Comissioner and that now it was thought impossible to send by that time. Lib. C. B.

Collectors Ordrd to bring in yr Accots of the 4d p Gall Impost

Ordered, by advice in Councill, that the severall & respective Collectors bring in their Accounts relateing to the 4d p Gallon Impost or of what other publick Money belonging to the Countrey they have in their hands, with all possible speed, for the perveall of this board,

Ordered, that the Ordr of Councill concerning the Rangers be produced here to Morrow Morning.

Tho: Blands Pet & Reference &ca

Upon reading a Petition of Thomas Blands for consideration to be had concerning an Information exhibited against him, to which, he set forth he was bound over to answer at the next Provinciall Court; it is the Opinion of this Board that the Petr is not properly relievable here, therefore is Referred to the Course of the Comon Law for his Reliefe therein.

Adjourne till to Morrow Morning 8 Clock

At the Court at Whitehall
the 28th of September 1693.

P. R. O. Maryland B. T., Vol. 8, p. 121

Present the Queens most Excellent Majesty in Councill.

Whereas the Right Honble the Lords of the Committee of Trade and Plantations by their Report dated the 15th Instant have represented to her Majesty in Councill that upon reading severall Letters from the Governor and Council of Maryland to the Committee dated the 14th of October, 21st December and 11th of April last together with Articles of Impeachment against Sir Thomas Lawrence Secretary of that Province upon which Articles the Governor and Councill of Maryland acquaint their Lordships they had committed and confined Sir Thomas Lawrence and had dismist him from being of the Councill and Judge of the Provinciall Court. These appearing to the Committee no grounds for such proceedings although the allegation contained in the said Articles were true but

P. R. O. Maryland B. T., Vol. 8.

that the proceedings of the Governor and Councill in this matter are illegal and arbitary their Lordships are of opinion that the Governor and Councill of Maryland be directed to give Sir Thomas Lawrence a Copy of the Articles transmitted against him and that he return his answer unto them to the end their Majestys pleasure thereupon may be known and that in the mean time Sir Thomas Lawrence be sett at Liberty and be restored to his places of Councill and Judge of the Provinciall Court and that he receive no molestation or Disturbance in the enjoyment of his office of Secretary of Maryland according to his former order in Councill of the second of March last. And that permission be given in Maryland to examine all persons that shall give Evidence in this matter without any hindrance or discountenance to such persons as Sir Thomas shall desire to be examined on his behalf Her Majesty in Councill approving the same is this day pleased to order as it is hereby ordered accordingly That the Governor and Councill of Maryland do give Sir Thomas Lawrence a Copy of the Articles transmitted against him and that he forthwith return to this board his answer in writing to the said Articles to the end their Majestys pleasure thereupon may be known and that in the mean time the said Sir Thomas Lawrence may be sett at liberty and be restored to his places as Councillor and Judge of the Provinciall Court in Maryland and that he receive no molestation or disturbance in the enjoyment of his Office of Secretary of that Province according to his Majestys order in Councill of the second of March last and that permission be given in Maryland to examine all persons that shall give evidence in this matter without any hindrance or discountenance to such persons as the said Sir Thomas Lawrence shall desire to be examined on his behalf.

Lib. C. B.

September the 29th 1693.

The Councill Mett and Satt.

Present,

His Excncie Sr Edmund Andros.

1.	Sr Thomas Laurence	Coll David Browne
2.	Coll Nehemiah Blackiston	Thomas Tench Esq
4.	Coll Charles Hutchins	Capt John Addison
3.	Coll Nicholas Greenberry	Thomas Brooke Esqs

Ordr about the soldiers inforted in Charles County

Upon reading a former Ordr of this Board, Dated March 9th 1692, relateing to Rangers, it was Moved in Councill that those soldiers now inforted in Charles County for the service of the Country might have

some Ord[r] from this Board for their pay at the Laying the first publick Leavy of the Province, and Ordered therevpon, by advice in Councill, that the same be Recommended to the next Generall Assembly for the paying the said Soldiers off, at the first publick Assessm[t] made. Lib. C. B. p. 15

Ord[r] about Councill papr[s] &c[a] It is the Opinion of this board & Ordered that M[r] John LLewellin attend here at the Councill Chamber with all Papers and Orders of Councill passed since the Arrivall of Govern[r] Copley, and that the same remaine with the present Clerk till further Ord[r].

Ord[r] for the Records of the Prov[ll] & Prerogative office to be inspected. S[r] Thomas Laurence makeing Complaint to this Board that he has not as yet received into his Charge the Records belonging to his Office of the Provinciall Court, by reason of the severall imperfections in the same contained, and that he is now ready to give security for the due executeing of the Trust & Charge by their Maj[ties] here reposed in him according to the late Ord[r] of their said Maj[ties] but first is desirous & willing that his said Office be Viewed and inspected to see in what Condition the Records therevnto belonging doe at present lye; it was therevpon Ordered, by advice in Councill, that Cap[t] John Addison & Thomas Tench Esq imediately Repaire to the said Office, together along with M[r] Kenelm Cheseldyne, M[r] Attorney Gen[ll] M[r] Cleybourn Lomax and the Clerk of this board, where they are to View & inspect the Records thereof, as likewise the Chancery & Prerogative proceedings, and what imperfections are found therein, they are to make Returne thereof to this board to Morrow Morning; the Provinciall Office Records to be searcht from the Date of the Secretaries Comission, and the Prerogative Office Records to be searcht from the Date of Coll Blackistons Comission.

Ord[r] about ships sayleing &c[a] In obedience to their Maj[ties] Commands that (during the War or eminent danger,) noe ships shall Sayle but in ffleets or vnder Convoys, and their Maj[ties] Convoys sent with the late ffleet now lyeing at point Comfort neare the Capes, being Ordered to Returne by the 7[th] of November, of which Cap[t] Townesend the Comandors haveing at his Arrivall given Notice; Ordered that noe ships be Cleared but to sayle with the said Convoys, and none to be otherwise cleared either afore or any after for England without further Orders, and that all ships tradeing vp the Bay repaire to the Mouth of Petuxent River, and all ships tradeing vp Potomack repaire to the Mouth of Potomack River or such other place or places as the Collectors shall direct, and p. 16

Lib. C. B. all ships tradeing on the Easterne shore to Repaire to such place as the Collector or Collectors there shall Order & appoint for their most convenient Cleareing & sayleing as directed, And vpon their Cleareing that the severall Collectors take security of the said Masters for their sayleing to their Convoys at Point Comfort, of which the Collectors are to give present Notice to all Masters & Comanders of ships, and they and all others concerned to conforme therevnto accordingly.

September the 30th 1693.

The Councill Mett & Satt

Present,

His Excncie Sr Edmund Andros.

Sr Thomas Laurence	Thomas Tench Esqr
Coll Nicholas Greenberry	Capt John Addison
Coll Charles Hutchins	Thomas Brooke Esqr
Coll David Browne	

Then was read the Returne of those Gentlemen Yesterday Ordered to view the Condition the Records lay in at the State house, whoe in obedience therevnto did Returne as follows, Vizt

p. 17 Returne about the Records &ca.

Upon the pervseall of the Records of the Provinciall Office from the Arrivall of the late Governor Copley, Wee finde all the Proceedings of the said Office from that time Untill May Court last fairly Entered, which said Courts Proceedings, the Minutes thereof were taken by Mr LLewellen, vpon Mr Taylards being sick, and the said Mr Taylard has now promised & Engaged to compleat all the business of his time left vndone, within two Months after the next Court, ready to be delivered up to his Honr the Secretary.

2. Wee finde the Booke of Conveyances in the said Office fully perfected.

3. Wee finde noe Chancery Proceedings Entered since the yeare 1682, except one Decree inter Vansweringhen & Taylor, and as to any Minutes thereto belonging, Mr Taylard can give noe Account; therefore is Referred to be inquired after by the former Clerks of the Office: Vizt Mr Grunwin & Mr Boothby.

4: Wee finde all Criminall business in Mr Boothby's time Entered vp, but all the Judgemts of his time want still to be Entered.

5: Wee finde all Judgem^{ts} in M^{r} Heaths time Entered, but not Alphabeted. Lib. C. B.

6: A Criminall booke taken out of the Office by Cap^{t} John Cood when he went for England, but not yet returned.

7: Upon pervseall of the Records belonging to the Comissaries Office, Wee finde only sixteen Wills & seaventeen Inventories Entered since the Arrivall of the Governo^{r} Untill this time.

8: Wee cannot make any certain Returne what business Remains in the said Office vnperfected, nor what Testamentary Proceedings have been returned from the severall Deputy Comissaries, for want of information from the Clerk of that Office, whoe lyes sick.

Lastly, Wee finde the Statehouse very much out of Repaire, and that Unless some speedy Course be taken, the Records therein will be very much in danger to be damnifyed & spoyled; all which was humbly certifyed to this board, by and vnder the hands of the severall persons Ordered to View the said Statehouse & Records. p. 18

M^{r} Boothby & M^{r} Grunwin sent for to attend at two of the Clock in the Afternoon.

Impost Money of 4^{d} p Gall may be disposed off in the intervalls of Assemblyes.

The Act for the Impost of ffour pence p Gallon being produced & read, it was put to the Question, whether the Money thereby to be raised may in the intervalls of Assembly be applyed to any of the Uses in the said Act prescribed; and it was therevpon Resolved & Ordered, by advice in Councill, that the same may be disposed off to any the Uses in the said Act mentioned.

Ord^{r} to the Sc^{t}arie &c^{a} about the Statehouse.

Upon the Representation & application in Councill, Ordered by advice, that the hon^{ble} the Secretary & M^{r} Attorney Gen^{ll} procure some one or two able Workemen to View the State house, to see what charge will be Required for the present secureing of the Records & Magazine, and to make Report thereof with all convenient speed.

Cap^{t} Brightwell & soldiers Ordered part of their pay.

It being Moved in Councill the Necessity Cap^{t} Brightwells Soldiers lay vnder for want of Provision, and Cap^{t} Brightwell himselfe appeareing & signifyeing the same, it was therevpon Ordered, by advice in Councill, that the Soldiers vnder Cap^{t} Brightwells command (being in Number Nine) be paid each Man the sum^{e} of Nine pounds st^{rl} or Three thousand pounds of Tobacco, and their said Com^{a}nder the Sum^{e} of ffifteen pounds st^{rl} or ffive

Lib. C. B. thousand pounds of Tob° To be paid out of the Impost Money of 4^{d} ꝑ Gall; being in part of satisfaction for what is due to
p. 19 the said Soldiers for their service in Potomack, Cap^{t} John Addison and Thomas Brooke Esqs having Undertaken here for to furnish the said Tobacco in Charles, Ann Arrundell & Calvert Counties, vpon his Ex^{ncie} drawing an Ord^{r} vpon their Maj^{ties} Receivers of the said Impost Duty for the afores^{d} Sum̄es of Money, amounting in the whole to the Sum̄e of Ninety Six pounds sterling.

7 of the Councill Ordered 25^{l} str^{l} each out of the Impost Duty.

Upon application in Councill, Ordered that Coll Nicholas Greenberry, Coll Charles Hutchins, Coll David Browne, Thomas Tench Esq, Cap^{t} John Courts & Thomas Brooke Esqs, Members of their Maj^{ties} Councill be paid out of the Duty ariseing from the ffour pence ꝑ Gall Impost, the sum̄e of Twenty ffive pounds st^{rl} each.

M^{r} Boothby appeares according to Ord^{r}.

M^{r} Boothby appeareing here according to the Ord^{r} of this board, and being asked the Reason of his not perfecting the Records of his time in the Provinciall Office, did after excuse made, faithfully promiss that he would set about the same forthwith and perfect all business of his time left vndone.

M^{r} Grunwin appeares according to Ord^{r}.

M^{r} Grunwin being likewise called does say, that all business in his time relateing to the Provinciall Office was fully compleated, except the faire writeing over one Alphabett & incerting some Bills of Cost, which he has Undertaken to finish.

Adjourne till Munday Morning.

Munday Morning, October the 2^{d} 1693.

The Councill Mett & Satt.

Present,

His Ex^{ncie} S^{r} Edmund Andros.

S^{r} Thomas Laurence
Coll Nicholas Greenberry
Coll Charles Hutchins
Coll David Browne
Thomas Tench Esq^{r}
Cap^{t} John Addison
Thomas Brooke Esq^{r}

p. 20 Ord^{r} for Procedendo to issue vpon Cray-crofts Judgem^{t} ag^{t} Lynes.

Vpon application made, that an Order of this board passed the 26th of September last for dismissing the Proceedings of a certain supersedeas & Writ of Error by M^{r} Philip Lynes brought vpon a Judgem^{t} obtained against him by one John Cray-

croft, the same was not full enough expressed for the obtaining Execution out anew against the said Lynes; it was therefore further Resolved that the said Proceedings be dismissed as afore ordered And that a Procedendo goe to the Provinciall Court for Execution to issue vpon the former Judgem[t] Lib. C. B.

Motion on behalf of the L[d] Baltimore &c[a] & Ord[r] thereon.

This Board being Moved on behalfe of the Lord Baltemore, in relation to a Report made by M[r] Sollicito[r] Gen[ll] before the Lords of the Comittee of Trade & Plantations and the Kings Order thereon; Dated 23[th] of ffeb[ry] 1692, it is Ordered, by advice in Councill here that the Kings Comands touching the said Report be fully observed. and that the said Report & Kings Ord[r] be Entered in the Journall of this Board, and likewise in the Provinciall Office, To the End all persons concerned may take due Notice thereof.

Report & Kings Ord[r] about the 14[d] Tonage &c[a]

The said Report & Kings Ord[r] thereon are as follow, Viz[t]

At the Court at Whitehall
the 23[th] of ffeb[ry] 1692.

Present,
The Kings most Excellent Maj[ty]

Lord Arch B[p] of Canterbury
Lord President
Lord Great Chamberlain
Lord Chamberlain
Earle of Bedford
Earle of Bridgewater
Earle of Maclesfield
Earle of Nottingham
Earle of Rochester
Earle of Monmouth
Earle of Montague
Earle of Scarborough
Earle of Warrington
Earle of Ranelagh
Viscount Newport
Viscount ffalkland
Lord B[p] of London
S[r] Robert Howard
M[r] Vice Chamberlain.

M[r] Chancell[r] of the Exchеq[r]
Lord Cheife Justice Holt
S[r] Edward Seymour
S[r] Henry Goodricke
M[r] Boscawen
} p. 21

The R[t] Hono[ble] the Lords of the Comittee for Trade & Plantations haveing laid before his Maj[ty] in Councill a Report from S[r] Thomas Trevor Kn[t] their Majesties Sollicit[r] Generall vpon severall demands of the Lord Baltemore as Lord Propri-

Lib. C. B. etary of their Maj^ties Province of Maryland, which haveing been this day Read at the board as followeth, Viz^t

To the R^t Hon^ble the Lords of the Committee of Trade & Plantations.

In obedience to yo^r Lordships Ord^r of Reference of the 19^th of September last I have considered of the severall Demands made by my Lord Baltemore in the Province of Maryland and Represented to their Ma^ts by the Assembly of that Province, and I have been attended by the Lord Baltemore and his Councill; and as to his Lo^ps first Demand of Twelve pence p Hogshead for all Tobacco exported out of that Province, I finde the said Duty is part of a certain Duty of two shillings a Hogshead for all Tobacco exported from that Province, Granted by an act of the Assembly there, of the 7^th of March 1671, One Moiety whereof is by the said Act appropriated to the publick service for the better Support of the Governmen^t; and the other Moiety (which is the Twelve pence a Hogshead now demanded by the Lord Baltemore) is thereby granted to the Lord Baltemore, to be received by him for his owne Use as Proprietor of the said Province and that the said Twelve
p. 22 pence a Hogshead was by Ord^r of Councill, the 26^th of ffeb^ry 1690, directed to be answered & paid to the Lord Baltemore, as Proprietor of Maryland, and I doe not finde, that the Assembly doe much contest my Lords Right to this Duty of Twelve pence a Hogshead, in the Representation they have made to their Ma^tys where they say they are with their Ma^ts Royal Assent ready to confirme the same to his Lo^p provided his Lo^p Grant the same Conditions of Plantations, he did before the happy Revolutions; or the same, that their Maj^ties doe to the Colony of Virginia, to the Inhabitants of that Province; But what those Conditions are, it doth not appeare to me, otherwise than by looking into the said Act of Assembly in 1671, by which the said Duty was Granted to the Lord Baltemore, Upon condition, that his Lo^p should accept a pound of Tobacco instead & lieu of every Two pence Rent at any time reserved vpon any Grant of Land made by his Lo^p which Condition his Lo^p affirms to me, he alwaies hath and still is ready to comply with.

As to the second Demand of ffourteen pence p Ton for all Tobacco's exported out of that Province, I finde by an Act of the Assembly of that Province in 1661, it was Enacted, that all Vessells whatsoever not properly belonging to that Province haveing a Deck flush fore & aft, comeing in, and Trading within that Province, should pay for Port Duty's & Anchorage a pound of powder, and Three pounds of shot, or soe

much in Value for every Tun of Burthen, to the s^d^ Proprietor and his heires. Lib. C. B.

Which Duty hath by Usage been turned into Money, Viz^t^ ffourteen pence p Ton, and soe answered to the Lord Baltemore, and constantly applyed to his owne Use, and not to the Support of the Governm^t^ as the Lord Baltemore affirms to me, and by Ord^r^ of Councill of the 26^th^ of ffeb^ry^ 1690, this Duty of ffourteen pence p Ton was directed to be answered to the Lord Baltemore as Proprietor of the Province, And likewise Instructions Given Coll Copley Govern^r^ of Maryland to permitt the Lord Baltemore or his Agents to Receive the same without any disturbance or interruption, And I conceive that Upon the Words of the Act, this Duty doth belong to my Lord Baltemore as Proprietor to be Received by him, to his owne Use; And it would be a thing of dangerous consequence to admitt of Paroll proof of an intention in the Law makers different from the Words of Law, to say, that the Duty which the Act calls a Port Duty, was intended to be a ffort Duty; And it seems to be admitted by the Assembly, that this Duty of ffourteen pence p Ton doth by Law now belong to the Lord Baltemore by desireing their Maj^ties^ Royall Assent to an Act to invest it in their Majesties. p. 23

As to the Demands of ffines & Amerciam^ts^ I conceive vpon pervseall of the Charter Granted by King Charles the ffirst to the Lord Baltemore, and of their Ma^ts^ Comission Granted to Coll Copley to be Governor in Cheife of that Province, that the Lord Baltemore hath not a right to the ffines & Amerciam^ts^ that have accrued since their Maj^ties^ said Comission to Coll Copley, whereby their Maj^ties^ have taken the whole Governm^t^ of that Province into their owne hands, Except onely ffines & Amerciam^ts^ in the Courts of any Mannor, of which the Lord Baltemore is Lord. Because I doe not finde, that ffines & Amerciam^ts^ are expresssly Granted to the Lord Baltemore by the Charter of King Charles the ffirst, soe that I conceive he never had any other Title to them, but as Governor of the Province, the Courts of Justice being held in his Name; which Title is now determined by their Maj^ties^ Assumption of the Governm^t^ into their owne hands, and appointing a Govern^r^ there, whoe by his Comission hath Expresse Power Granted to him to Erect Courts of Judicature for the better Administration of Justice, as occasion shall require, which Courts I conceive being Erected by their Maj^ties^ Comission, must be held in their Names, and are their Courts and not the Lord Baltemores, and the ffines & Amerciam^ts^ there set will belong to their Maj^ties^ And I conceive such a Right in the Lord Baltemore to all ffines &c^a^ would be inconsistent with that part of their Maj^ties^ Comission to the Governor of that Province, p. 24

Lib. C. B. whereby he hath Power Granted him of Remitting & pardoning ffines set vpon Offenders, according as he shall thinke them fit Objects of Mercy, which he cannot doe if the Lord Baltimore be Entitled to them.

As to the Demand of Waifes, Strays, Wilde horses & Wilde Hogs, I conceive that such Cattle as are mentioned in the Representation to be claimed as strays, are not in Law such, because they are Markt with the Marke of the Owner, which Marke being on Record, every person is obliedged to take Notice to whome they belong. And I doe not finde that wilde horses or Hogs are Granted to the Lord Baltemore by the Charter of King Charles the ffirst; And therefore I conceive the Right to them is in the Crowne as being fferae Naturâ, and the Property thereof in noe particular person, And tho there be an Act of the Assembly, which gives such Goods (to which noe Person hath a Right) to the Lord Proprietor, yet I conceive that Act cannot take away their Maj^{ties} Right thereto Unless the Royall Assent had been given to such Act, which doth not appeare to me was ever obtained.

As to the last Demand, in Relation to Bills, Bonds, Records & other Writeings belonging to his Lo^{p} Lands: I conceive that the Bills & Bonds, if the ffact be, as 'tis affirmed to me by the Lord Baltemore, that they are his Securities for the severall Sum̄es of Money agreed to be paid his Lo^{p} by the Planters, vpon his Granting Land to them, and that they were in his
p. 25 custody, and Seized and taken from his Servant there, Upon his Lo^{ps} being discharged of the Governm^{t}. The Case being soe, I think it may be just & reasonable, that they should be Restored to his Lo^{p} again, and I cannot see any prejudice can thereby happen to the parties by whome such Bonds or Bills were Given, thô they have not Executed their Warrants nor had Certificates Returned; ffor the Bonds cannot be put in Suite till the Lord Baltemore hath performed the Conditions on his part.

But I conceive it proper, that the Records which are of publick Use to preserve the Inhabitants Title to their Lands should be kept Under the custody of the Governor.

All which is humbly submitted to yo^{r} Lo^{ps} great Wisedome
Tho: Trevor

Nov^{r} 2^{d} 1692.

His Ma^{ty} was pleased to approve of the said Report, and did Order, as it is hereby Ordered, That the Act lately passed in Maryland for the ffourteen pence Tonnage Be, and it is hereby set aside & disallowed And that the Lord Baltemore

be permitted without any disturbance or Interruption, to Collect & Receive, by such person or persons as he shall thereVnto Authorize & appoint, the said Duty of ffourteen pence p Ton for Port Duty's or Anchorage, for his owne Use, of Right belonging to him by Law, as Lord Proprietor of the said Province, and as well Coll Copley their Ma^ts^ present Govern^r^ as the Lord Baltemore, and all others whom it may concerne, are to take Notice of his Ma^ts^ pleasure hereby signifyed, and to Comply with the severall particulars of the said Report. John Nicholas. Lib. C. B.

Comission Ordered for Mr Cheseldyne to be Comissary &ca

Vpon advice in Councill, Ordered, that a Comission be forthwith prepared for M^r^ Kenelin Cheseldyne to be Comissary of the Prerogative Office.

Motion about Sr Thomas Laurence Suspencion

A Member of Council intimateing a former suspencion of S^r^ Thomas Laurence, and severall papers & Letters to that purpose being produced and read, one paper whereof being said to be his Comittm^t^ to the Sherriffe of Charles County where its said he was to Remain vntill further Ord^r^ or should otherwise be disposed off by this Board; Upon consideration of the whole Matter, it is the opinion of this board that the said S^r^ Thomas be not remanded to Prison nor excluded from the Councill, Untill further Order from their Maj^ties^ he haveing since been admited and sworne; but the said S^r^ Thomas Laurence being very sick & indisposed in body does therefore desire to be Excused from his presideing or attendance at this Board and Coll Blackiston being likewise very sick soe that he cannot attend; it is therefore the opinion of the Councill & Ordered, that Coll Greenberry, in the absence of his Ex^ncy^ preside till his Ex^ncies^ Returne, or Untill their Maj^ties^ pleasure be further knowne. p. 26

Sr Thomas not to be remanded to prison nor excluded from the Councill

Sr Thomas desires to be excused from presideing or attending at ths board

Coll Greenberry (in the absence of his Exncy) to preside in Councill

Whereas severall Councill Papers have been here produced, some whereof have been read, and finding them all to lay in loose Papers, and that never any Record of any thing has been kept since the Arrivall of Govern^r^ Copley it is therefore Ordered that the said Papers lye lodged with the present Clerk of the Councill, as they are, Untill further Order from this Board.

Then passed the Board the following Orders and Warrants signed by his Ex^ncy^ Viz^t^

Lib. C. B. Ordr to pay 96l strl to Mr Addison & Mr Brooke

Mr George Plater

Pay Unto Thomas Brooke and John Addison or their Orders the Sume of Ninety six pounds strl out of their Majties Duty or Impost of ffour pence p Gal lon Liquours imported according to Act of Assembly within your District, being soe much awarded them by advice of their
p. 27 Majties Councill here, Being for Thirty Two thousand pounds of Tobacco the said Brooke & Addison is to pay to Capt Richard Brightwell and his Men in part of their pay; also ffifty pounds strl more Ordered them the said Brooke & said Addison, being awarded them by advice of their Majties Councill, as Councillors in part of their allowance; and for soe doing this with their Receipts shall be your Warrant and discharge for soe much, Given vnder my hand at the City of St Maries this 2d day of October, Anno Domini 1693.

E. Andros.

To George Plater Esq their Majties Collector & Receiver of the 4d p Gall Impost Money within Petuxant District

These

Ordr to pay 25l strl to Mr. Tench

Mr Plater

Pay vnto Thomas Tench one of their Majties Councill or Ordr the Sume of Twenty ffive pounds strl out of their Majties Duty or Impost of ffour pence p Gall on Liquors imported according to Act of Assembly within your District, being soe much awarded by the advice of the Councill here in part of his Sallary, for soe doeing this with his Receipt shall be your Warrant & discharge for soe much, given vnder my hand at the City of St Maries this 2d day of October 1693.

E. Andros.

To George Plater Esq their Majties Collector & Receiver of the 4d p Gall Impost Money within Petuxant District

These

Ordr to pay Greenberry 25l strl

Mr Plater

Pay vnto Nicholas Greenberry Esq one of their Majties Councill or Ordr the sume of Twenty ffive pounds strl out of their Majties Duty or Impost of ffour pence
p. 28 p Gall on Liquors imported according to Act of Assembly within your District soe much being awarded him by advice of their Majties Councill here in part of his Sallary, for soe doeing this with his Receipt shall be your Warrant and discharge for soe much, Given under my hand, at the City of St Maries this 2d day of Octobr Anno Dni 1693.

E Andros

To George Plater Esq their Majties
Collector & Receiver of the 4d p Gall
Impost Money within Petuxant District
These.

Lib. C. B.

Ordr to pay 25l strl to Mr Courts.

Mr Plater

Pay Unto John Courts, one of their Majties Councillors or Ordr the Sume of Twenty five pounds strl out of their Majties Duty of ffour pence p Gall on Liquors imported according to Act of Assembly within your District, being soe much awarded him by their Majties Councill here in part his allowance as Councillor And for soe doeing this with his Receipt shall be your Warrant & Discharge for soe much; Given vnder my hand at the City of St Maries this 2d day of Octobr Anno Domini 1693. E Andros,

To George Plater Esq their Majties
Collector & Receiver of the 4d p Gall
Impost Money within Petuxant District
These.

Maryland ss: at St Maries.

Ordr to pay 25l strl to Coll Brown

Majr King

Pay vnto David Brown of Somerset County Upon Accot as one of their Majties Councill or to his Order the Sume of Twenty ffive pds strl out of their Mats Duty or Impost of ffour pence p Gall on Liquors imported according to Act of Assembly within your District, being soe much awarded him by advice of their Majties Councill here, and for soe doeing this shall with his Receipt be your Warrant and discharge for soe much; Given vnder my hand this 2d day of October, Anno Domini 1693

To Robert King Esqr their Majties
Collector & Receiver of the ffour pence
p Gall Impost Money within Pocomoke
District
These.

E Andros.

At St Maries in Maryland ss:

Ordr to pay 25l strl to Coll Hutchins.

Majr King

Pay Unto Charles Hutchins of Dorchestr County, Upon Account as one of their Majties Councill or to his Ordr the Sume of Twenty ffive pounds strl out of their Majties Duty or Impost of ffour pence p Gall on Liquors imported according to Act of Assembly within yor District, p. 29

Lib. C. B. being soe much awarded him by advice of their Majᵗⁱᵉˢ Councill here, And for soe doeing this shall with his Receipt be yoʳ Warrant & discharge for soe much; Given vnder my hand this 2ᵈ day of Octobʳ Anno 1693. E Andros

To Robᵗ King Esqʳ their Majᵗⁱᵉˢ
Collector & Receiver of the 4ᵈ ꝑ Gall
Impost money within Pocomoke District
These.

Octobʳ the 3ᵈ 1693.

The Councill Mett & Satt

Present

His Exᶜʸ Sʳ Edmund Andros.

Coll Nicholas Greenberry, Coll Charles Hutchins, Coll David Browne
Thomas Tench Esqʳ, Capᵗ John Addison, Thomas Brooke Esqʳ

Coll Blackiston Suspended from siting in Councill &c.

Upon signeing a new Comission for the Provˡˡ Court which here this day passed the Board Seale, it being Moved in Councill whether the continueing of Coll Blackiston, in the absence of his Exᶜⁱᵉ might not occasion Disputes, and it was Resolved by the whole
p. 30 Board that it would be to their Majᵗⁱᵉˢ Service & quiet of the Countrey that the sᵈ Coll Blackiston were suspended and therevpon his Exᶜʸ did in their Majᵗⁱᵉˢ Names declare the said Coll Blackiston suspended from further siting Voteing or assisting in their Majᵗⁱᵉˢ Councill here.

Mr Cheseldyn receives his Comissaries Comission

Mʳ Cheseldyne being called in received his Comission for being Comissary Genˡˡ this day passed the Broad Seale.

Then likewise passed the Seale the Proclamation Yesterday Ordered to be drawne vp, being signed by his Exᶜʸ & was as followeth Viz.

By his Excellency.

Maryland ss: A Proclamation.

Proclamation signifyeing the constitution of the Governmt in his Exncies absence

Whereas by a former Proclamation beareing Date the 25ᵗʰ day of September last past amongst other things therein contained it was made & knowne and published that the Comand & Charge of this their Maᵗˢ Province was by the death of the late Governoʳ Copley and absence of Capᵗ ffrancis Nicholson comitted vnto me, with full power & Authority

to execute & performe all & singular the Powers & directions Lib. C. B.
contained in their Majᵗⁱᵉˢ Comission to the said Governʳ Copley in which said Comission their Majᵗⁱᵉˢ have been pleased to signifye their Will & pleasure that in Case of the death or absence of such Governᵗ and noe other person Comissioned to be Comander in Cheife of this their Province that then the Councill of Maryland should take vpon them the Administration of the Governmᵗ and Executeing the said Comission and the severall Powers & Authorities therein contained, And that such Councillʳ whoe should be at the time of the death or absence of the said Governʳ from this Governmᵗ resideing within this their Majᵗⁱᵉˢ Province and Dominion before any other at that time resideing here, doe Preside in the said Councill with such Powers & preheminences as any former President p. 31
hath Used & Enjoyed within the said Province or any other their Plantations in America, Untill the Arrivall of such Governoʳ or their Majᵗⁱᵉˢ pleasure should be further knowne therein And forasmuch as their Maᵗˢ have been pleased to Comand my present Service in their Colony of Virginia, and at present there being noe other person, vpon this place comissionated to be Comander in Cheife of this their Province & Dominion, Pursueant therefore to their Majᵗⁱᵉˢ Comission to me directed I doe (by advice in Councill) in their Majᵗⁱᵉˢ Names by this Proclamation, Notify and make knowne the administration of the Governmᵗ and the Execution of the sᵈ Comission, and the severall Powers and Authorities therein Contained (for & during my absence) or their Majᵗⁱᵉˢ pleasure further knowne, to be in the Councill of this their Majᵗⁱᵉˢ Province & Dominion, and the Honᵇˡᵉ Nicholas Greenberry Esq to preside therein, Untill my Returne or further Ordʳˢ of all which I doe hereby Require & comand all their Majᵗⁱᵉˢ Officers both civill & Military within this their Dominion and all other persons whatsoever to take Notice & conforme themselves accordingly as they & every of them will answer the contrary at their Utmost perills; Given at the City of Sᵗ Maries the third day of October Anno Dni 1693 in the ffifth yeare of the Reign of our Soveraign Lord & Lady King William & Queen Mary.

E Andros

God save King Wᵐ & Queen Mary

Proclamation Prepared by
me, George Plater
Att Generall

Afterwards was the following Test subscribed to in manner following Vizᵗ

Lib. C. B.

At the City of S[t] Maries Octob[r] the 3[d] 1693

Maryland Test subscribed to by his Exncy &c[a]

Wee the Subscribers doe declare that wee doe believe that there is not any Transubstantiation in the Sacram[t] of the Lords Supper, or in the Elements of bread & wine, at or after the consecration thereof by any pson whatsoever

E Andros
Nich: Greenberry

Char Hutchins, David Browne, Thomas Tench
John Addison, Tho: Brooke

p. 32 At a Councill held at the Councill Chamber, in the City of S[t] Maries the 14[th] day of Octob[r] 1693, in the ffifth yeare of the Reign of our Soveraign Lord & Lady King William and Queen Mary &c[a]

Present

The Hon[ble] Coll Nicholas Greenberry president.

Coll Charles Hutchins, Coll David Browne
Tho: Tench Esq, Cap[t] John Addison

Clk of the Councills ffees settled &c[a]

Vpon Application made by the Clerk of this Board humbly desireing consideration might be had for ascertaining his Sallary & ffees; Ordered therevpon by advice in Councill, that the same ffees be allowed the s[d] Clerk as were formerly assessed & settled by this Board. And that the standing Sallary be respited, till his Ex[cies] Returne, for further consideration.

M[r] LLewellins Motion & Ord[r] p Delivery of some papts to him &c.

M[r] LLewellin humbly addressing himselfe for the Delivery of severall private Papers which lay lodged among those Councill papers lately delivered by him to the present Clerk of this board, intimateing that the same were such as noething Related to or concerned any Publick affaires or this Hon[ble] Councill, Ordered by advice in Councill, that the same be delivered accordingly and before delivery inspected by the Clerk of this Board, to the End he may take cognizance that the same did never properly lye before this board.

S[r] Tho Laurence's Motion & Ord[r] about Transcripts &c sending for England

S[r] Thomas Laurence (by M[r] Attorney Gen[ll]) produceing to this Board the Kings Order for his transmiting all Acts of State, Publick Ord[rs] and Journalls of the Councill &c[a] together with Duplicates of the same, for England being desirious to know the Opin-

ion & Result of this board in Relation thereto; Viz[t] whether the Clerk of the Councill were obliedged to make all such Transcripts & Duplicates of his Journall ex officio or noe; and it was therevpon Resolved & Ordered by advice in Councill That all Transcripts (soe to be provided according to the Kings Instructions by the Secretary) be transcribed & Coppyed out from time to time by the Clerk of this board, when Required, and vpon due notice vnto him Given by the s[d] Secretary; which Transcripts soe made are by the said Clerk to be delivered vnto his Hono[r] the Secretary close Sealed vp ready for his transmitting the same for England; the said Secretary paying & allowing Unto the said Clerk his accustomed ffees due, and by this board here Settled vpon him, for all Coppyes & Transcripts soe made & delivered. Lib. C. B. p. 33

Produced at this Board Coppy of a blanck Warrant which was Given by Coll Darnall & M[r] Smith as a president to William Nuthead the Printer in order to print a certain Number of the same, for their Use, the Teno[r] whereof followed in these words, Viz[t]

Maryland ss: Lay out for

Copy of Coll Darnalls blanck Warr[t] given the Printer to print &c[a]

in any part of this Province not formerly laid out for any other person, nor Reserved for his Lordships Use, And Returne yo[r] Certificate of Survey thereof with the Name of the place in what County it lyeth, and of what Manno[r] to be holden into the Office by the day of next and for your soe doeing this shall be your Warrant Given vnder the Lesser Seale of our said Province this day of Annoq Domini one thousand six hundred Ninety

To Surveyor Generall or to his deputy

These

On the back of the above[s] Warrant was taken the following Deposition, Viz[t]

Printers Deposition of Coll Darnall & M[r] Smith

Octob[r] 14[th] 1693.

The Deposition of William Nuthead of S[t] Maries City Printer Aged Thirty Nine years or thereabouts. This Depon[t] saith that Coll Darnall & M[r] Richard Smith comeing to this Depon[ts] house on the 6[th] of this instant month would have had him to have printed the within written blank Warrant to the Number of ffive hundred, to be done imediately out of hand, and that this Deponent did promiss to finish the same by Twelve of the Clock the next day if in case this Depon[t] had the assistance of a Joyner, which said Joyner did the Wooden Worke and was paid for the same in Money;

Lib. C. B. afterwards the said Coll Darnall & M^r Richard Smith came again to this Depon^ts house and Required him to performe his promiss, to which this Depon^t made Answer that the Press & Letters were none of his and therefore could not complye therewith without Order, and that the said Coll Darnall & M^r Smith were pressing & Urgent for this Depon^ts printing the said Warrants, but this Deponent did not print the same, and further saith not.

Sworne to in Councill the day & yeare above written

H Denton Cl Concil

Printer Ordered to desist from printing any thing but Bills & Bonds

Wherevpon it was Ordered by advice in Councill, that the Printer hereafter presume to print noething but blank bills & Bonds, without leave from his Ex^ncy or the further Order of this Board.

Ord^r for Surveyo^rs appointed by the Govern^mt to continue till further Ord^r

Whereas Information hath been made to this Board by M^r Edward Batson of Calvert County that M^r Richard Smith of the said County hath Nominated & appointed severall Roman Catholiques to be Deputy Surveyo^rs in severall of the Counties within this Province, Under pretence of an Authority to him Granted from the Lord Baltemore to be Surveyo^r Gen^ll And whereas Cap^t John Addison one of the Members of this board hath likewise Represented that the said M^r Smith hath actually placed & put in one Charles Brooke of Charles County and that he designed to put in one Richard Edelen of S^t Maries
p. 35 County both knowne Papists, to be Deputy Survey^rs in the said Counties; And further whereas the said Cap^t Addison did likewise here informe that he heard the said M^r Smith in publick company declare that those persons that would not take his word for the Power which he pretended to have, he would never give them other satisfaction Ordered therevpon by advice in Councill and it is hereby Ordered that the severall Surveyo^rs already constituted & appointed by the Governm^t doe still continue acting in their said Stations & places pursueant to his Ex^ncies Proclamation for the continuance of all Officers Civill & Military within this Province, Untill further Ord^r And that noe other person or persons presume to Act by Vertue of any other Comission to them Granted save onely such as have been constituted & appointed by the Governm^t as afores^d And that a Copy of this Ord^r be sent to each Surveyo^r soe appointed, To the End all persons concerned may take due Notice thereof.

His Honor the Secretaries Returne about the State house Read was as followeth Viz[t] Lib. C. B.

S[t] Maries October 13[th] 1693

Secretaries Ret about the State house

According to a late Order of Councill to me directed to View the Condition of the State house in company of a Workeman and to returne a Certificate of an Estimate how the Offices & Records and Amunition may be secured this Winter; I have Yesterday together with M[r] Cheseldyn & Richard Benton brick layer viewed the said State house and doe finde his Utmost Demands for shoreing vp the Walls which leane out on each side the Staire case and repaireing the tileing of the Secretaries & Comissaries Offices pointing the Windows and bricking vp the Windows of the Upper loft where it rains into the Powder Roome will not amount to above Six thousand of Tobacco and that he will p. 36 prepare all Materialls within Ten or Twelve days to goe about the same if the Weather be favourable

Certifyed by me,
Tho: Laurence

Directed to the Hon[ble]
Coll Greenberry & the Gentlemen of the Councill

Ordered that the Reparation thereof be pursued accordingly, and that the Workemen be paid their Tobacco in this County, at the laying the Publick Leavye.

S[r] Tho: Laurence Representation abt M[r] Llewellin & Ord[rs] thereon

S[r] Thomas Laurence Representeth vnto this Board the Neglect of M[r] John Llewellin in his duty dureing the time he officiated as Clerk of Talbot County Court seting forth his omission as to the Entrye of most of that Courts Proceedings in his time taken, to the great prejudice and damage of the Suiters thither comeing, and that he Understood the s[d] Llewellin was vpon goeing for England, therefore desired that (as the said County Records were part of the trust Reposed in him by their Maj[ties] as Secretary and forasmuch as he had rec[d] severall Complaints from the inhabitants of that County in relation to the premisses) the said LLewellin might be called before this Board and caused to give security for his speedy compleating the said County Records together with the Land Office Records, and that the same might by the said LLewellin be finished and delivered vp before he goes for England. And the said S[r] Thomas further set forth that whereas the said LLewellin had by a Comission from the late Govern[t] officiated as Notary Publick whereby not onely the Rights of

Lib. C. B. his office have been Encroached vpon but likewise his Maj^ties Patent apparently infringed; prays that this board would please to Order him to desist for the future from the Execution of any matter relateing to the said Office, that thereby all
p. 37 persons haveing occasion for any thing the performance whereof appertains to the same may Repaire to him: Whereupon M^r LLewellln being sent for and appeareing to the afores^d complaint which was read vnto him, he faithfully promissed that he would not depart the Province Untill he bad finished & perfected the Records of Talbot County & Land Office soe farr as the same have been vnder his charge; and as to his desisting from officiating the Notary Publicks place, it is the Opinion of this board (whereas M^r LLewellin had received a Com̄ission for the same from the late Govern^r Copley and that all officers Civill & Military have since by his Ex^ncies Proclamation been continued Untill further Order; and forasmuch as noe other Ord^r from their Maj^ties for settleing the said Office does appeare to this Board) that the said M^r LLewellin continue acting (by Vertue of his said Com̄ission) in the said Office of Notary publick, according to the intent of the said Proclamation, Untill further Order.

Then was Read the Two following Petitions, Viz^t

To the Hon^ble Nicholas Greenberry Esq^r President, and the rest of their Ma^ts Hon^ble Councill of Maryland.

The humble Petition of W^m Dent of Charles County Gent.

Humbly Sheweth M^r W^m Dents Pet. That your Pet^r haveing sent for a parcell of Indian Goods, which are now arrived, and being desirous to carrye on a small Trade with the Indians, Humbly prays yo^r Hon^rs Lycense soe to doe.

And as in duty bound he shall ever pray &c^a

To the Hon^ble Nicholas Greenberry Esq^r president, and their Maj^ties Councill of Maryland.

Capt Jn^o Addison's Petition John Addison Esq^r one of their Maj^ties said Councill Representeth to yo^r Hon^rs that haveing a Quantity of Indian Goods by him & dwelling neare the Indians in Charles County, and being desirous to have a
p. 38 Trade with them, Prays yo^r Hon^rs Lycense soe to doe

And he shall pray &c^a

Ord^r for Capt Addison & M^r Dent to have Lycense to Trade w^th Indians The which being Read, it was Ordered by advice of M^r Attorney Gen^ll in Councill, that the said Cap^t John Addison & M^r William Dent have Lycence granted them according as they have before prayed.

Power given to Geo: Plater Esq^r to press horse or man &c^a vpon suddain Emergencies

Moved by a Member of this board that care be taken for appointing some certain person for sending away dispatches vpon Suddain Emergencies or Receipt of Publick Packetts &c^a: Ordered therevpon, by advice in Councill, that George Plater Esq have hereby full power to press any Boate, horse or man vpon Suddain Emergencies as afores^d for sending away dispatches accordingly, to which all persons concerned are to give due obedience as they will answere the contrary. Lib. C. B.

Abstract of Coll Darnalls Letter abt Land Affaires &c^a

Read a Letter from Coll Darnall seting forth his Instructions rec^d from the Lord Baltemore for opening the Land Office, and vpon the same Conditions of Plantation as before the Revolution, intimateing that the Seale formerly made Use off for Sealeing Warrants for Land was now in the possession of M^r John LLewellin, and therefore prayed that the same might be delivered him, and lastly therein prayed Access for himselfe or M^r Richard Smith, his Lordships Surveyo^e Generall, to the Records of the Land Office, as alsoe Coppy of his Lordships Conditions of Plantation from off the Councill Booke without paying accustomed ffees due.

S^r Tho: Laurences Representation abt Coll Darnall &c^a & L^d Office

Afterwards was read a Representation from S^r Thomas Laurence seting forth Coll Darnalls Designe of Erecting a new Office for Granting Warrants & Patents for Land by a Comission from the Lord Baltemore, intending all such instruments should pass vnder the said Lords Great & Lesser Seale of his Province, by him soe termed, in derogation to their Maj^ties Authority here & the open invasion of the Right of the said S^r Thomas, through whose Office all Land Affaires have alwaies passed & still ought to pass, as by the ffees thereof by the late Act of Assembly may appeare; And further vpon the said S^r Thomas's Representing that the said Coll Darnall does alsoe Claime Access to the Records of the Land Office from time to time, as he shall require, without ffee or Reward; to which praying that a stop to such illegall Proceedings & Demands might be put: Upon the whole matter it is the Opinion of this board that the Land Office now is in the Right of the said S^r Thomas, their Ma^ts Secretary of this Province and that all Warrants for Land have Usually issued out of the said Office Under their Maj^ties Lesser Seale of the said Province and therefore Ordered, by advice in Councill, that noe Warrant for Land issue, but under their said Maj^ties Lesser Seale now in the custody of the Secretary, and that noe person have p. 39

Opinion & Ord^r abt the aforementioned Letter and Representation

Lib. C. B. any Recourse to the Records of the Land Office but by the proper Officer therevnto appointed, paying the accustomed ffees by Law Established for all Coppyes & searches there had.

Mr Watkins & Ux: pet & Ordr abt Abingtons Arreares of ffees &ca

Saml Watkins & Anne his wife Executrix of the last will and Testament of Andrew Abington late Sherriffe of Calvert County decd humbly petition this board that Execution may issue in the sd County, for Arreares of the ffees due to the said Petitionrs as Executors aforesd And,

it is Granted them & Ordered Accordingly.

ffra: Armestrong's Certificat of Resur. transmited to the Ld Office

Certificate of Resurvey belonging to ffra: Armestrong for two Tracts of Land Called Tilghmans ffortune & London Derry being directed to this board, was Ordered to be Transmitted to the Land Office to be Recorded.

p. 40 Thomas Martin Pet & Ordr for Warrt of Resurvey &ca

Thomas Martin of Talbot County humbly sets forth to this board that he is in possession of a certain Tract of Land next adjoyneing vpon a Tract formerly belonging to Richard Gorsuch of the said County decd lyeing vpon the Divideing Creeke running out of Armestrongs Bay in Choptanck River in the said County Begining at the said Gorsuch Northermost bounded Tree being a red Oake marked with ffour Notches both said Tracts being parcells sold out of a Greater Tract called Thredere LLoyd, and are buted and bounded as by the Certificates thereof remaining vpon Record among the Conveyances of the said County Court may more at large appeare— That he has for these severall years been molested & troubled by the possessorrss of the aforesd Tract of Land of Gorsuch by trespassing (as he conceives) within his Bounds; therefore humbly prays speciall Warrant may issue directed to the Surveyor of that County for the Resurveying of that aforementioned Tract of Land of Gorsuch by a Jurye of Twelve Men of the Neighbourhood for that End & purpose to be sumoned & sworne (as in such Case is Usuall) according to the Antient Meets & Bounds thereof, whereby he may finde out the true Divisionall Line betwixt them, and that (if need shall Require) he might likewise Resurvey his owne Land, after the runing forth of the other.

Wherevpon it was Ordered, by advice in Councill, as it is hereby Ordered, that speciall Warrant issue according to the prayer of the Petitionr And that the present possessoes of the

said Land of Gorsuch have Notice Given to be present at the sad Resurvey. Lib. C. B.

ffeb^{ey} the 8th 1693

John Courts Esq^{r} sworne Councillor & subscribed to the Test.

The Hon^{ble} John Courts Esq^{r} tooke the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy as likewise Oaths of Councillo^{e} before the hon^{ble} Nicholas Greenberry Esq^{r} President & did at the same time likewise subscribe to the Test.

At a Councill held at Battle Towne in Calvert County the 13th day of ffeb^{ey} in the Evening, in the ffifth yeare of the Reign of our Soveraign Lord & Lady W^{m} & Mary King & Queen of England &c^{a} Annoq Domini 1693 p. 41

Present

The Hon^{ble} Nicholas Greenberry Esq^{r} President

Thomas Tench Esq^{r} } John Courts } Esq^{r}
John Addison Esq^{r} } Thomas Brooke }

Governo^{r} of New Yorkes Letters of the 8th & 11th of Jan^{ry} 93, Read

Produced & Read a couple of Letters of the Eigth & eleventh of Jan^{ey} last, sent by an Express from the Governo^{e} of New Yorke, signifyeing the Protest of certain Bills of Exchange drawne by the late Governo^{e} Copley to the Sum̄e of 362^{l} 08^{s} 00^{d} being thither Remitted towards the assistance of that place; thereby requireing new Bills for the same as alsoe Answer what further assistance they may expect hence by the ffirst of May next. The which being Read as likewise their Maj^{ties} Ord^{r} of the ffirst of March last formerly at this board produced & after some time spent in debateing the same they adjourne Untill to Morrow Morning for their full Result & Answer to be given in the Premisses.

Wednesday Morning ffeb^{ry} 24th 1693, being the Sixth yeare of their Maj^{ties} Reign &c^{a}

The Councill again sat & were p^{e}sent as yesterday

Governr of New Yorkes Lres again taken into considercōn

This Board again take into consideration the Gov- p. 42 erno^{r} of New Yorkes Letters last night here Read & produced, and after a second Debate & consultation about the same had, it is the Opinion of this Board that they cannot properly at present remitt any Money, to that Governm^{t} vntill Instructions given by his Excellency

Lib. C. B. S^r Edmund Andros, and therefore Resolved that an Express be forthwith sent to his Ex^ncy in Order thereto to know his Ex^ncies pleasure therein and that a Letter be sent to the Governo^r of New Yorke to signifye to him, that at present they cannot give any further Answer but will by Express send by or before the first of May next.

M^r Parkers Pet read & Referred &c^a

The humble Petition of William Parker read, desireing therein Com̄ission to Execute the Office of high Sheriffe of Calvert County for the yeare ensueing and is referred for Answer to be Given him the next meeting of the Councill.

M^r Platers Representation abt Navigation Bonds &c^a & Nolle p sequi Ordered thereon &c^a

George Plater Esq^r their Maj^ties Collector for Petuxunt District Represents to this Board that severall Navigation bonds being in his custody for which there have been noe Certificates returned according to the Law in that Case therefore does humbly Move that consideration may be had concerning the same & directions given him what most convenient & suitable methods to take therein.

Resolved & Ordered therevpon as it is hereby Ordered that the said M^r Plater give speedy Notice to all persons any wayes concerned or interested in the said Bonds, and that they
p. 43 have Twelve Months time allowed & given them from henceforward to com̄ence for procureing Certificates as afores^d and that all such bonds in the interim be suspended from being put in suite, without which it is the Opinion of this board that severall persons in the Countrey here will be lyable & exposed to Ruine; and it is hereby further Ordered that what Bonds are not at present in the said M^r Platers possession be forthwith delivered him by all & singular their Maj^ties Collectors within this Province, or other Person or Persons in whose custody they shall be found.

M^r Plater appointed Collector of Potomack District &c^a

The said George Plater does likewise Represent that whereas he had received a Com̄ission from the present Governmn^t for being Collector of Potomack District vpon the death of Coll Blackiston late Collector of the same—And whereas Edward Randolph Esq^r their Maj^ties Surveyo^r Gen^ll has since by an Unknowne Authority, not appearing to this Board, Granted a Com̄ission to one Philip Clarke fully thereby Empowering him to Act as Collector in the afores^d District, whoe therevpon has put in Execution the said Com̄ission by entering & clearing of severall ships, notwithstanding the Governm^ts Com̄ission to him the said Plater granted; Upon the whole matter it is the Opinion of

this board that the same is all irregular there noe thing appeare- Lib. C. B.
ing to this Board in the said Mr Randolphs Comission
Empowering him to place or displace Officers in any of their p. 44
Majties Governmts in these parts, but that the same wholy lyes
in the breast of such Governments.

Ordered therevpon as it is hereby Ordered that the said Philip Clarke henceforth desist from further acting by Vertue of such Comission, and that imediately vpon Notice given he deliver vp all Papers remaining now in his custody relateing to the said Office of Collectr Unto the aforesd George Plater, whoe is hereby fully Empowered to continue to Act as Collector of that District according to the Tenor of his Comission Granted him by the Governmt Untill further Order.

James Bigger's motion on behalfe of Greenfeild p Appeale, Granted &ca

Mr James Biggers humbly Moveing this Board on behalfe of Mr Thomas Greenfeild who had lately Granted to him by the Comissary Generall of this Province Letters colligendum vpon the Estate of Richard Charlet deceased, whoe by Vertue thereof had made some progress & been at some Expense in the Collecting part thereof according to the direction of the Law in that case, but by some meanes or other Letters of Administration have since been Granted to two other persons noe wayes Creditors, & therefore much to the prejudice, as is conceived, of the persons interested in the same, therefore the said Mr Bigger does in right of the said Mr Greenfeild humbly pray an Appeale from the sentence of the said Judge, in Order that the same may be duely Examined according to Law—And for p. 45.
the due prosecution of the said Appeale the said Mr Bigger on behalfe of the said Thomas Greenfeild does here tender to this Board Mr William Parker & Mr Hugh Ellis together with himselfe his security and at the same time came as well the said James Bigger whoe acknowledged himselfe to become bound in the sume of Two hundred Pounds & the aforesd William Parker & Hugh Ellis in the sume of One hundred pounds sterling each Vizt that if the said Thomas Greenfeild shall not prosecute his Appeale with Effect that he therevpon pay all Costs and Damages that may happen to Accrue to any person concerned, in case that the Sentence of the said Judge shall be affirmed, by reason of such his Appeale, whoe severallly consented therevnto

Ordered therevpon as it is hereby Ordered that an imediate stop be put vpon the proceedings of the aforesd Administration, and that the Administratoes vpon due Notice hereof given them yeild all due obedience herevnto, Untill there be a full decision & determination in the premisses.

Lib. C. B. Then was Read the following Petition, Viz[t]

To the hon[ble] their Maj[ties] Councill for the Province of Maryland

Thomas Tench by his Petition Humbly Showeth

Mr Tench's Pet & Ord[r] abt Seizure
p. 46 of his ship by Esq[r] Randolph

That by Vertue of a speciall Comission of Oyer & Terminer before their Maj[ties] Justices therein named, at their Court held at the City of S[t] Maryes: the ship Margaret of London, one William Burnet Comander was vpon a fair Tryall and by the Verdict of a Jurye legally Convicted and condemmed for breach of severall Acts of Parliament of England relating to Trade & Navigation & therevpon adjudged to be forfeited with her Goods &c[a] one third to their Maj[ties] the other third to the Governo[e] and the remaining third to their Maj[ties] Collector whoe Seized & sued for the same according to the Teno[e] of the said Acts: That by Vertue of the condemnation & fforfeiture afores[d] the said ship hath been taken into custody & is now ready to Saile, but prevented and stoped by the Seizure of Edward Randolph Esq[r] Surveyo[e] Gcnerall of their Maj[ties] Customs here, vnder what pretence yo[e] Petition[r] is not certainly informed, but (as is said) for want of a due Entry and paying their Maj[ties] Duties before loading to the great Damage of your Petitioner now therein interested & concerned and vtter overthrow of the Voyage against which he hath at present noe further or other Remidy then to applye himselfe to this hon[ble] Board for an Order peremptory to take off the Seizure aforesaid he haveing given security to the Collector according to Law & is willing to give New Bond & Security for the Master of the said Ship to pay the Kings Dues and observe the Laws &c[a] as is Usuall

And shall pray &c[a]

After a full heareing of the same it was the Opinion of this Board as likewise of their Maj[ties] Attorney Generall here, being therevnto Required his Advice, that Whereas the said M[r]
p. 47 Randolph hath hitherto made noe Application to the Governm[t] for the bringing the said Ship to a legal Tryeall since the seizure of the same by him made as afores[d] that therefore a Speciall Court of Oyer & Terminer be forthwith appointed for the Tryall of the said Ship, and therevpon—

Ordered by advice afores[d] as it is hereby Ordered that Comission forthwith issue vnder the Great Seale in Order to call a Speciall Court of Oyer and Terminer, thereby constituteing & appointing Samuell Holdsworth Nathaniell Dare John Bayne, John Lowe & John Watson Gentlemen Comission[rs] &

Justices for Tryall of the said Ship, whoe are to meet at the Lib. C. B.
City of S^{t} Maryes the 27th day of this instant ffebruary to heare and determine the same that speedy Justice therein may be done, And further that all possible care be taken to give due Notice to the said M^{r} Randolph that he then & there appeare to make good such his Seizure in Order to her Acquittall or condemnation, and that in case of the said M^{r} Randolphs Non-appearance, the said M^{r} Tench give security to M^{r} Plater the Kings Collector in the Sum̄e of Eight hundred pounds sterling to stand & abide Tryeall either in England or this Province as the said M^{r} Randolph shall see fit, and that vpon such Security given the Seizure thereby in the interim be suspended.

Then was read the following Petition, Viz^{t}

To the Hon^{ble} the President & the Rest of the hon^{ble} their p. 48
Maj^{ties} Councill of Maryland.

Humbly Sheweth M^{r} LLewellins Pet & Ord^{r} abt Sff of Talbot County &c^{a}

The Petition of John LLewellin that yo^{r} Petitioner haveing for some years Officiated and executed the place of Clerk of Talbot County Court and therein contracted & made to himselfe severall ffees to a considerable Sum̄e or quantity of Tobaccos fairely calculated & charged according to Act of Assembly and delivered the particulars and a faire List thereof to the Sheriffe of the said County Samuel Withers with an Execution signed by his Ex^{ncy} the late Governo^{r} com̄anding the Leavying & makeing paym^{t} thereof to yo^{r} Pet^{r} notwithstanding which the said Sheriff hath & still doth denye & Refuse to complye therewith or to Answer such Notes as your Pet^{r} hath severall times been Necessitated to draw vpon him for the discharge of his just Debts & his Necessary Supplyes for himselfe & family to his great blemish & scandall and the ruine almost of his credit & Reputation and in all probability may be to the impedim^{t} & obstruction of his designed Voyage for England to his irreparable loss & damage against which your Pet^{r} hath noe Remedy vnless relieved by your Hono^{rs} favour in granting him an Order of yo^{r} hon^{ble} board to the Attorney Generall to put in suite the said Sheriffes bond for the Releife of yo^{r} Petition^{r} for w^{ch}

Yo^{r} Pet^{r} shall pray &c^{a}

The which being read it was Ordered as it is hereby Ordered that the Prayer of the Petition^{r} be allowed; but before the same be put in Execution that he first give Notice hereof to the said p. 49
Sheriff, whoe vpon Refuseall to make some speedy & satis-factory complyance with the said Petitioner, that then the said

Lib. C. B. Pet^{r} be hereby at full liberty to pursue the puting the said Bond in Suite, after such Notice given & denyall made as afores^{d}

By the Hon^{ble} Nicholas Greenberry Esq^{r} President & Councill &c^{a}

ffeb ^{y} 14th 1693.

Jn^{o} Hurst, Tho: Dawson, Mordecai Price & Abell Browne's Cert of Resur Ret to the Land Office.

Ordered that these following Certificates of Resurvey (being hither returneable & at this Board now here presented (Viz^{t} John Hursts containing Two hundred thirty Eight Acres called Bushey Neck bottom, Thomas Dawsons containing One hundred Acres, called Deep Creeke point, Mordecai Price containing One hundred Ninety One Acres, called Crombers Ridge & Abell Brownes containing One hundred Sixty Nine Acres called Comberton, be from this Board forthwith transmitted to the Land Office, to the End the same may be there duely Entered & Remain vpon Record.

Signed p Ord^{r}
H Denton Cl Concil.

To the Hon^{ble} S^{r} Thomas Laurence Baron^{t} Cheife Secretary of Maryland or to his cheife Clerk of the Land Office for the time being

These.

Ord^{r} p M^{r} LLewellins Delivery of the L^{d} Baltemores Seale to Coll Darnall

p. 50

Vpon Representation & Application Ordered that M^{r} John LLewellin deliver or cause to be delivered Unto Coll Henry Darnall or Ord^{r} a certaine Seale now in the custody of the said LLewellin, which was formerly made Use off by the Lord Baltemore in the Nature of a Lesser Seale of this Province.

James Bigger's Pet p Spll Court vpon the Appeale

James Bigger haveing this day favourably obtained an Appeale made to this board on behalfe of Thomas Greenfeild vpon Letters of Administration Granted by the Comissary vnto Henry Lowe & Thomas Collyer vpon the Estate of Richard Charlet dec^{d} notwithstanding Letters ad Colligendum to him the said Greenfeild had been legally committed and for the due prosecution of the same has Given security does now by humble Petition Crave that a time may be limitted for a full & speedy heareing & argueing the Reasons vpon the said Appeale either before the Governo^{r} or persons to be therevnto especially Authorized according to the Directions of the Act of Assembly of this Province in that case &c^{a}

Ordered therevpon as it is hereby Ordered that Mr ffrancis Lib. C. B.
Hutchins Capt James Keech Mr ffrancis ffreeman Comissiones
of Calvert County Mr William Dent of Charles County & Mr
Henry Trueman of Calvert County aforesd be & they are
hereby appointed Judges, to heare, determine & finall Judgemt
to give in the premisses being therevnto by Speciall Comis-
sion vnder the Great Seale of this Province to be qualifyed &
Empowered accordingly to Meet & sit at Battle Towne the
21th of this instant ffebry of which said Court Mr Henry ffernley p. 51
is hereby appointed Clerk & further Ordered that Sumons
imediately issue impowering the aforesd James Bigger to give
notice to the severall above mentioned Justices as alsoe the
Administrators &ca & other persons whatsoever in any wayes
interested or concerned to be & appeare at the Day & place
aforesd in Ordr to a speedy & finall Determination therein.

By the Honble Nicholas Greenberry Esqr President & Coun-
cill &ca

ffebry the 14th 1693.

Ordr p Bigger's Sum Justices & Admrs &ca

Whereas this day at request of James Bigger on behalfe of Thomas Greenfeild an Appeale has been Granted by this Board vpon Complaint made that Letters of Administration had beeu unduely & surreptitiously obtained by Mr Henry Lowe & Mr Thomas Collyer after Letters ad colligendum to him the said Greenfeild in a legall & lawfull manner issued for the Collecting & geting together the Estate of Richard Charlet decd the aforesd Admrs (as is said) being noe wayes Creditors therevnto; The said Greenfeild haveing given sufficient security for the due prosecution of the said Appeale—And whereas at the Request of the said James Bigger this Board has likewise appointed Mr ffrancis Hutchins Capt James Keech Mr ffrancis ffreeman Comissionrs of Calvert County Mr William Dent of Charles County & Mr Henry Trueman of Calvert County aforesd to Examine into the Legality of the sentence of the said Judge & vpon due Examination their finall Sentence & Determination to make in p. 52 the same, being therevnto by Speciall Comission vnder the Great Seale Authorized and impowered soe to doe constitute-ing & appointing Mr Henry ffernley their Clerk, being by the said Comission Ordered to Meet at Battle Towne the 21th of this instant ffebry for the said End & purpose. And that due Notice hereof might be given it was Ordered, as it is hereby Ordered that Mr James Bigger doe forthwith & out of hand sumons & Give Notice to all & singular the persons aforementioned as alsoe the Admrs and any other persons therein concerned that they be & appeare at the day & place aforesd

Lib. C. B. as they will Answer the contrary to the End that speedy Justice may be done in the premisses.

Signed p Ord.

H Denton Cl Concil.

Thursday, ffebry the 15th 1693

The Councill again sat & were present as Yesterday

Motion & Ordrs abt Richd Marshams Guns & Amunition

Vpon representation here made in Councill that one Richard Marsham of Calvert County had taken from him dureing the Revolution by Coll Beale of the said County ffour Guns, Sixty ffour pound of shot & ffour pound of powder of all which restitution is humbly prayed, it being Urged that severall others in the same Nature have Received the like benefit; or at least if liberty will not be Granted that all his Guns & Amunition be Restored, it is further Moved that the Use of one may be
p. 53 Granted him & leave given for to make saile of the Rest that he may not be too much sufferer in this Case

Ordered therefore by advice, as it is hereby ordered that he the said Richard Marsham have the Liberty of takeing his Choice of any one of the aforesd Guns to his owne proper Use, and that the Remaining three Guns, together with the Powder & shot be lodged still where they are vntill the said Marsham can dispose & make Sale of the same to his owne Advantage.

Coll Greenberry appointed Judge in Chancery & Mr Laylard Registr

Vpon Representation & Motion made at this Board that the Court of Chancery is at present destitute of a Register, and to the End that for want of such present Officer noe Business in the said Court may be delayed or impeded

Ordered by advice as it is hereby Ordered that Mr William Laylard doe for the time being supplye the said vacancy of Registe vntill further Ordr

And that whereas the Honble Coll Nicholas Greenberry hath the Custody & Charge of the Great Seale of this Province committed vnto him the said Coll Greenberry is therefore now in Councill appointed Judge of the Said Court & accordingly is to Comissionate Mr William Laylard Register as aforesd. And it is hereby further Ordered that all Writts thence issueing at the present to be made returneable to the first day of the next Provinciall Court of which all Persons concerned are to take strict Notice & yeild due obedience therevnto

Ordr to Collectors abt cleareing Ships

Vpon representation & Application Ordered by advice, that noe ship or other vessell bound out of this Province for Europe be henceforward cleared by any of their Majties Collectors here without giveing security for their calling vpon his Excncy Sr Edmund Andros in Virginia to awaite his Excncies further Directions in that place. Lib. C. B. p. 54

Maryland Comission for heareing Greenfeilds Appeale &ca Nicholas Greenberry

William & Mary by the Grace of God King & Queen of England, Scotland, ffrance & Ireland Defenders of the ffaith &ca To ffrancis Hutchins, James Keech, ffrancis ffreeman, William Dent & Henry Trueman Gents Greeting Whereas Complaint hath to Us been made by Thomas Greenfeild & James Bigger of Calvert County Gents that Administration of the Estate of Richard Charlet late of the same County decd hath been surreptitiously obtained & illegally Granted to Mr Henry Lowe & Thomas Collyer of the County aforesaid noe wayes related to or concerned in the same, and that Letters ad colligendum before Granted to the said Thomas Greenfeild & Thomas Lasker Gent (by vertue whereof the said Thomas Greenfeild had in some measure Proceeded and intermedled with the said Estate & Engaged himselfe into the Concerns & Managemt thereof) were by some private suggestions & Misinformations to the Judge for Probat of Wills &ca Revoked, disanulled & made void, from which Sentence & determination of the said Judge the said Thomas Greenfeild & James Bigger haveing prayed an Appeale according to Act of Assembly of our Province of Maryland in such case made & provided. And Wee being Willing that speedy Justice should be done therein, and a Suitable Releife Granted to persons Greived in such case, Wee have assigned, constituted, Ordained & appointed and by these presents Wee doe Ordain, constitute & appoint you the said ffrancis Hutchins, James Keech ffrancis ffreeman, William Dent & Henry Trueman or any Three or more of you (whereof you the said ffrancis Hutchins or James Keech to be alwayes One) our Comissioners especially to inquire into Examine, heare & Determine the Premisses, And to that End you are to Meet at Battle Towne in Calvert County on the 21th day of this instant ffebruary And to Call & Cause to Come before you as well the said Complainants Thomas Greenfeild & James Bigger as alsoe the other persons before Named Henry Lowe & Thomas Collyer, as all other persons therein any wayes concerned. And the severall Allegations, Testimonies & Proofes on both sides being strictly heard & Examined and the Matter duely Maturely & deliberately Weighed & Considered to pass & give yor finall Judgemt Doome & Determination therein according to Law & Justice p. 55

Lib. C. B. & the best of yo^{r} Skill & Understanding. And to the End that a true & fair Record may be kept of your Proceedings herein Wee have thought fit to Nominate & Appoint, And
p. 56 Wee doe hereby Nominate, Constitute & Appoint Henry ffernley Gent to be your Clerk or Register to Receive take & Enter on his Journall the Sum̄e & Substance of what shall be done & Acted by you in the Execution of the Power & Authority hereby Given and Granted you a faire Coppy whereof attested vnder the hand & Seale of yo^{r} said Clerk you are to Transmitt Unto Us in our high Court of Chancery with all convenient speed Given Under the Great Seale of our said Province of Maryland the ffifteenth day of ffeb^{ry} in the Sixth yeare of our Reign &c^{a} Annoq Domini 1693.

On the back of the foregoeing Com̄ission was thus Written Viz^{t}

Dedimus potestatem &c^{a} William & Mary by the Grace of God of England, Scotland, ffrance & Ireland King & Queen Defenders of the ffaith &c^{a} To William Dent & Henry Trueman Gents These are to constitute & Appoint you or either of you to Administer vnto ffrancis Hutchins & James Keech or Nicholas Greenberry either of them the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy as alsoe the Usuall Oath of Com̄ission^{r} And the said Oaths being as afores^{d} Administered & taken you the said ffrancis Hutchins & James Keech or either of you are to Administer the afores^{d} Oaths Unto the rest of the Com̄issioners within named for which this shall be your sufficient Warrant Given vnder the Great Seale of our Province this 15th day of ffeb^{ry} in the Sixth yeare of our Reign &c^{a} Annoq Dni 1693.

p. 57 At a Councill held at the Ridge in Ann Arrundell County at the house of M^{r} John Larkin the 16th day of Aprill 1694, and in the Sixth yeare of the Reign of our Soveraign Lord & Lady King William & Queen Mary &c^{a}

Present

The Hon^{ble} Nicholas Greenberry Esq^{r} President

Thomas Tench Esq^{r}
Cap^{t} John Addison
Thomas Brooke Esq^{r}

Messinger sent to New Yorke with Bills of Excha 250l Taken into consideration the sending an Express to New Yorke with Bills of Exchange to the sum̄e of Two hundred & ffifty pounds sterling pursueant to their Comands, and therevpon Moved that M^{r} Roger Newman be sent for to Treat with him to goe vpon

the said Express, whoe accordingly appeared and Undertooke Lib. C. B.
the said Journey for the Vallue & consideration of 5000^{l} of Tob^{o} if he proceeds on his Journey soe far as New Yorke, but in case of his Meeting with their Ma^{ts} Collector of New Yorke at Pensilvania, to whome the same are to be delivered then to Receive the Sum̄e of 3000^{ll} of Tob^{o} onely the which was agreed to here by this Board & Ordered, as it is hereby Ordered that the same be paid him out of the 50000^{ll} of Tobacco Leviable in the intervalls of Assemblies &c^{a}

Mr Plater ordered to attend with bills of Excha Vallue 250l

Ordered that George Plater Esq^{r} Collector & p. 58
Receiver of their Ma^{ts} Revenue for this Province attend this Board im̄ediately with Bills of Exchange to the Sum̄e of 250^{ll} sterling deduceable out of their Ma^{ties} Revenue here ariseing to the End the same may be transmitted to the Collector & Receiver of their Ma^{ts} Revenue for the Province of New Yorke, in complyance to their Ma^{ties} com̄ands towards their assistance ag^{t} the ffrench and Northern Indians, and Produced at the Board accordingly the following Bills all indorsed by the afores^{d} George Plater, amounting in the whole to the Sum̄e of Two hundred ffifty Pounds Eight shillings & ffour pence sterling, Viz^{t}

Robert Ashtons first, second & third Bill drawne vpon Richard Marsh of London for	20:^{l} 17:^{s} 06^{d}
Abraham Tricketts Ditto, on Ben: Brain of London for—	19 16: 03
Christopher Monkes Ditto, on Joseph Alford of London & Company for	21: 05: 06
James Pitts Ditto, on Richard Meddlecot of Boston in New England for	40: 07: 11
Henry Jordaine Ditto, on Henry LLoyd Merchant in Bristoll for	26: 13: 08
Hugh Bickford Ditto, on Daniell Ive of Exon & Company for	41: 00: 00 p. 59
Sam^{ll}: Philips Ditto, on John Taylor of London for	45: 12: 06
Richard Bass Ditto, on Richard Shukburgh of Exon for	13: 02: 06
Henry Munday Ditto on Michaell Yoakley of London & Company for	21: 12: 06
	£: 250: 08: 04

Lib. C. B. Bills of Excha Ordered to be transmitted to Collector of New Yorke

Ordered that the afores[d] Bills be Transmitted to Chudleigh Brook Esq[r] Collector & Receiver of their Ma[ts] Revenue for the Province of New Yorke or to their Ma[ts] Receiver & Collector there for the time being by the hand of the afores[d] Roger Newman, whoe vpon delivery of the same is to take Receipt from the said Collector & Receiver and make Returne thereof to the Hon[ble] Nicholas Greenberry Esq[r] in Order to be comunicated to this Board

Delivered the aforementioned Bills into the custody & care of the afores[d] Roger Newman, at the Councill Board where at the same time he passed his Receipt for the same, as follows, Viz[t].

p. 60

Aprill 16[th] 1694.

Roger Newmans Receipt p Bills of Excha 250[l] ster[l]

Received at the Councill Board the above mentioned Bills, the which I doe hereby obliedge my selfe to deliver as above expressed (casualties Excepted) and returne their said Ma[ts] Collectors Receipt for the same vnto the honb[le] Nicholas Greenberry Esq[r] pursueant to the Order of this Board, p

Roger Newman

George Simons & ffaith Wilson als. Congo's Certificate Resurvey containing ffour hundred fforty seaven Acres called Kickquatan Choice being hither Returneable and produced at this Board, Ordered that the same be forthwith Transmitted to the Land Office & there duely Entered vpon Record.

Adjourne till Afternoon

Afternoon, 5 Clock.

Councill Mett & Satt

Present as before.

The following Petition was preferred, Viz[t]

To the Hon[ble] Coll Greenberry Esq[r] with the Rest of the hon[ble] Councill now siting.

Ann Arrundell

The humble Petition of Gabriell Parrot of this County of Ann Arrundell

Humbly Sheweth, Viz[t]

Gabriell Parrots Pet. on behalfe of Eliz: Longman

p. 61

That Whereas yo[r] Petitioner hath in his keeping and charge, an Orphan Child of one Daniell Longman of the afores[d] County & liveing formerly at West River haveing noe other Heire to his Estate

but the afores[d] Orphan knowne by the Name of Elizabeth Longman; and that now Nicholas Waterman of the afores[d] County hath made Entrance vpon a Tract of Land of the said Orphan (as may appeare by Patent) to the great devastation of the Timber as well as the Land and great damage of the Orphan, and for this cause your humble Petition[r] in behalfe of the Orphan humbly requests that the said Nicholas Waterman may be brought to Justice & a course taken as your Hono[rs] in your Wisdome shall thinke convenient for a speedy Redress, and yo[r] humble Pet[s] as in duty obliedged Shall pray Lib. C. B.

Ordered that M[r] Edward Batson make Returne of the Certificate of Resurvey by him made for Nicholas Waterman to the Clerk of this Board forthwith; and that the Petition of Robert Lockwood on behalfe of the said Waterman together with the Order thereon be producead at this Board the next Councill that the whole Proceedings thereon may be inspected, and then the Pet[r] shall have further Answer in the Premisses.

Capt James Bigger made Ranger on West side Petux[t] River in Calvert Co:

It is this day Ordered in Councill that Comission be prepared to constitute Cap[t] James Bigger of Calvert County Ranger on the West side Petuxant River within the said County, he giveing Security to their Ma[ts] in the Sume of One hundred Pounds Stll as well for the due & just performance of his Duty in the Execution of his said Comission when by him received, as alsoe for his p. 62 strict observeing & keeping these following Rules & Orders, Viz[t].

1: That what Unmarked wild horses, Mares or Colts he the s[d] James Bigger shall take vp for the Use of the King by Vertue of his said Comission, shall not be turned out into the fforrest again, nor marked by the Ranger as formerly, but mediately (or as soon as an oportunity presents) exposed to Sale & Vended—This Board being of Opinion that the same will be a suitable and proper Method and course, and more to their Ma[ties] service & advantage.

2: That he the said James Bigger shall (when required by this Board) give a just & true Account vpon Oath of all such Sales by him to be made as afores[d]—Reserveing a third part of the Profits, for his Care & trouble therein, to his owne proper Use & behoofe.

Read the following Petition, Viz[t].

To the Hon[ble] Nicholas Greenberry Esq[r] President of their Ma[ts] Councill & the Rest of the Hon[ble] their Ma[ts] Councill for the Province of Maryland.

The humble Petition of ffrancis Malden of the Clifts in Calvert County.

Lib. C. B. Humbly Sheweth

ffrancis Maldens Pet p Resurvey &c^a^

That Whereas one Richard Bennit of Nancemum River in the Colony of Virginia Esq^r^ had formerly Granted Unto him by Letters patent from Cecilius
p. 63 late Lord Baltemore &c^a^ Twelve hundred & ffifty Acres of Land lyeing vpon the Clifts in Calvert County called Lower Bennitt, being soe invested as aforesaid with the said Land Did for diverse good Causes & considerations him therevnto Moveing bargain Sell, Alien & Make over vnto one John Tucker of the Clifts afores^d^ One hundred & ffifty Acres of the afores^d^ Tract of Land being the Southermost part of the said 1250 Acres; And alsoe the said Richard Bennit did for diverse good Causes bargain, Sell, Aliene & make over Unto one Thomas Sterling ffive hundred Acres of the aforesaid parcell of Land being the midlemost part of the said 1250 Acres And further the said Richard Bennit did for good considerations make over vnto one Stephen Benson the remaining Six hundred Acres of Land being the Northermost part of the said 1250 Acres. But the said Stephen Benson afterwards for good Reasons & considerations did Release, discharge & make Voyd the afores^d^ Bill of Sale for the Six hundred Acres afores^d^ And after that did purchase of the said Rich^d^ Bennit only Two hundred Acres of the said Land, which the said Richard Bennit did for diverse considerations bargain, Sell, Aliene & make over to the said Benson lyeing to the Northward of the said Sterlings 500 Acres And also the said Richard Bennit did for diverse good causes & considerations bargain Sell, Aliene & make over to one ffrancis Malden (your Hono^rs^ Pet^r^) the Northermost & Remaining part of the afores^d^ parcell of Land, supposed to contain ffour hundred Acres, be the same little, more or less.

p. 64 Yo^r^ Pet^r^ therefore humbly Supplicates this Hon^ble^ Board to Grant him Warrant of Resurvey for the Resurvey of the afores^d^ Parcell of Land called Lower Bennit containing 1250 Acres, according to the true Antient Meets & Bounds thereof, and alsoe the severall parcells of Land formerly Sold by the said Richard Bennit, Viz^t^ the 150 Acres to John Tucker, the 500 Acres to Thomas Sterling the 200 Acres to Stephen Benson may be laid out & bounded according to just & exact Surveys in the presence of the Sherriffe of Calvert County and a Jurye by him Sum̄oned, Impannelled & Sworne And that the Remaining 400 Acres may be adjudged to your Pet^r^ to prevent all future disputes & differences amongst the severall Purchasers of the afores^d^ Parcells of Land containing 1250 Acres, concerning the Bounds of their severall Divisions.

And yo^r^ Pet^r^ as in duty bound shall Ever pray &c^a^

Ordered that if the severall Persons concerned and mentioned in the said Petition will by consent Joyne in the Resurvey of the said severall Tracts of Land, the Petr produceing Certificate, vnder their hands of their complyance thereto, to this Board the next Meeing of the Councill; the Petitioner shall then have further Order therein. Lib. C. B.

At a Councill held at the Councill Chamber in the City of St Maryes, the ffirst day of May, in the Sixth yeare of the Reign of our Soveraign Lord & Lady William & Mary King & Queen of England &ca Annoq Domini 1694 p. 65

Present

His Excellency Sr Edmond Andros Knt

Sr Thomas Laurence, Coll Nicho Greenberry, Capt John Addison, Thomas Brooks Esqr

Esqr Brookes sworne a Justice of the Provll Court

The Honble Thomas Brooke Esqr one of their Mats Justices Comissionated for the Provinciall Court, tooke this day at the Board the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy, as alsoe the Usuall Oath of Justice of the said Court. And whereas there is but a small appearance, therefore by advice in Councill Ordered that the Justices now present Repaire to the State house & Adjourne the said Court till to Morrow Morning Tenn Clock.

May the 2d 1694 8 Clock in the Morning

The Councill again Mett & Satt & were

Present

His Excncy Sr Edmond Andros Knt

Sr Thomas Laurence, Coll Nicho Greenberry, Thomas Tench Esqr, Capt John Addison, Thomas Brooke Esqr

Sr Tho: Laurence Restored to his place of Counsellor &ca

Sr Thomas Laurence delivered to his Excncy in Councill the Queens Order of the 28th of September 1693, directing the restoreing him the said Sr Thomas Laurence to his place of Counsellor & Judge of the Provinciall Court—Ordered that it be Entered in the Councill Booke and to be observed accordingly. p. 66

The said Order follows in these Words, Vizt

Lib. C. B. At the Court at Whitehall the 28th day of September 1693.

Present

The Queens most Excellent Maty

Lord Arch Bp of Canterbury	Viscount ffalkland
Lord Keeper	Lord Bp of London
Lord President	Lord Cornwallis
Lord Chamberlain	Lord Godolphin
Earle of Oxford	Mr Vic. Chamberlain
Earle of Nottingham	Mr Secretary Trenchard
Earle of Rochester	Mr Chancelor of the Exchequer
Earle of Montague	Lord Chiefe Justice Holt
Earle of Ranelagh	Sr Henry Goodricke

Mr Boscawen

Queens Ordr in Relation to Sr Tho: Laurance &ca

Whereas the Rt Honble the Lords of the Comittee of Trade & Plantations, by their Report Dated the 15th instant have Represented to her Maty in Councill that Upon Reading severall Letters from the
p. 67 Governor & Councill of Maryland, to the Comittee, Dated the 14th of October, 21th of December, and 11th of Aprill last together with Articles of impeachment against Sr Thomas Laurence Secretary of that Province Upon which Articles the Governor & Councill of Maryland Acquaint their Lops they had comitted & confined Sr Thomas Laurence and had dismissed him from being of the Councill & Judge of the Provinciall Court. There appeareing to the Comittee noe ground for such Proceedings although the Allegations contained in the said Articles were true, but that the Proceedings of the Governor & Councill in this Matter are illegall and Arbitrary; Their Lops are of Opinion that the Governor & Councill of Maryland be directed to Give Sr Thomas Laurence a Copy of the Articles transmitted against him, and that he returne his Answer Unto them, to the End their Maties pleasure therevpon may be knowne, and that in the mean time Sr Thomas Laurence be Set at Liberty and be restored to his places of Counsellor & Judge of the Provinciall Court and that he receive noe molestation or disturbance in the Enjoyment of his Office of Secretary of Maryland, according to his Mats former Order in Councill of the second of March last and that per-
p. 68 mission be given in Maryland to Examine all Persons that shall give Evidence in this Matter without any hindrance or discountenance to such Persons as Sr Thomas Laurence shall desire to be Examined on his behalfe.

Her Maty in Councill approveing the same, is this day pleased to Order, as it is hereby Ordered accordingly that the

Governor & Councill of Maryland doe give S^r^ Thomas Laurence a Copy of the Articles transmitted against him, and that he forthwith returne to this Board his Answer in writeing to the said Articles, to the End their Ma^ts^ pleasure therevpon may be knowne, And that in the mean time the said S^r^ Thomas Laurence be Set at Liberty and be restored to his places of Counsellor and Judge of the Provinciall Court in Maryland and that he Receive noe Molestation or disturbance in the Enjoyment of his Office of Secretary of that Provinee, according to his Ma^ts^ Order in Councill of the second of March last. And that permission be given in Maryland to Examine all Persons that shall Give Evidence in this Matter, without any hindrance or discountenance to such Persons as the said S^r^ Thomas Laurence shall desire to be Examined on his behalfe

Lib. C. B.

Rich Colingly

Prov^ll^ Court Commission Order'd to be prepared

Ordered that a new Comission for the Provinciall Court be forthwith prepared by M^r^ Attorney Generall constituteing & appointing S^r^ Thomas Laurence Baronet Chiefe Justice of the said Court with the Addition of M^r^ John Watson to the former Comission.

p. 69

May the 3^d^ 1694.

The Councill again Mett & Satt & were

Present

His Ex^ncy^ S^r^ Edmond Andros Kn^t^

S^r^ Tho: Laurence, Co^ll^ Nich^o^ Greenberry, Thomas Tench Esq^r^ } Cap^t^ John Addison, Thomas Brooke Esq^r^

S^r^ Tho: Laurence Motion & Ord^r^ about Articles of Charge sent ag^t^ him &c^a^

Vpon Motion made by S^r^ Thomas Laurence this day. Ordered that the Clerk of the Councill deliver to the said S^r^ Thomas Copyes of all papers & Articles of Charge sent for England against him or any other matters or concerns relateing to the same which shall be required by the said S^r^ Thomas, and all Persons he shall desire to be Examined in this Matter pursueant to their Ma^ties^ Ord^r^ of the 28^th^ of September last.

Collectors & Series bonds Ordered to be Entered in Councill Booke.

Coll Greenberry Representing to this Board that he had (by Order of his Ex^ncy^ S^r^ Edmond Andros) taken Bond of S^r^ Thomas Laurence for the Execution of his Office of Secretary & likewise Bond of George Plater Esq^r^ & Maj^r^ Robert King as Collectors

Lib. C. B. & Navall Officers, Ordered that the same be delivered to the Clerk of the Councill & Entered in the Councill Booke.

p. 70 Three severall Accounts of Co[ll] Blackistons M[r] Tench and M[r] Platers, Collectors & Receivers of the Duties Relateing to the 4[d] p Gallon impost vpon Liquo[rs] delivered by them the Begining of October last, being Read;

Ordered that the same be lodged with the Clerk among the Councill Papers; and vpon further consideration of the publick Revenue for a Support of their Ma[ts] Governm[t]

Money Ordered to be p[d] to the Govern[r]

Ordered therevpon as it is hereby Ordered that the severall & Respective Collectors & Navall Officers doe forthwith Give an Account thereof at this Board, and that they pay to his Excellency what shall appeare to be his dues.

May the 4[th] 1694.

The Councill again Mett & Satt & were

Present.

His Ex[ncy] S[r] Edmond Andros Kn[t]

S[r] Thomas Laurence — Cap[t] John Addison
Coll Nich[o] Greenberry — Cap[t] John Courts
Thomas Tench Esq[r] — Thomas Brook Esq[r]

M[r] Plater Ordr[d] to call vpon the Collectr to send in thr Accots Relateing to the Revenue

p. 71

Brought in an Account by M[r] Plater Collector & Receiver of their Ma[ts] Revenue for this Province haveing Relation thereto; Ordered that the same be Given him again to be faire writ over and presented here at this Board to Morrow, and that he Call vpon the other Collectors to send in their Accounts of what other Revenue lyes lodged in their hands.

Coll Darnalls Application about Land Affaires Referred to be Debated to Morrow.

Vpon application of Col[l] Darnall to his Ex[ncy] and Councill relateing to Surveying Lands of the Right Hon[ble] the Lord Baltemore and delivery of some Bills & Bonds of his Lo[ps] by him Required; Ordered that the said Matter be Referred to be Debated to Morrow Morning Eight Clock, and that Col[l] Darnall have Notice thereof to signifye if he has anything further to say in that Affaire.

May the 5[th] 1694

The Councill again Mett & Satt & were

Present

His Ex[ncy] S[r] Edmond Andros Kn[t]

S[r] Thomas Laurence — Cap[t] John Addison
Coll Nich[o] Greenberry — Cap[t] John Courts
Thomas Tench Esq[r] — Thomas Brooke Esq[r]

Mr Plater Ordered to pay the Governor 500l sterl &ca

Ordered in Councill that George Plater Esqr Collector & Receiver of their Mats Revenue for this Province pay Unto his Excncy Sr Edmond Andros or Order the Sume of ffive hundred Pounds sterling out of their Mats Revenue of 15d p hhd here ariseing, Upon Account as Comander in Chiefe of this Province. Lib. C. B.

Ditto order'd to Pay Coll Greenberry 150l sterl &ca

Ordered likewise in Councill that the Honble Coll Nicholas Greenberry be paid out of the said Revenue vpon Account as President the sume of One hundred & ffifty Pounds sterling. p. 72

Bonds Order'd to be delivered to his Lops Agent &ca & Ordr abt Ld Affaires

Coll Darnall appeareing here again at this Board and produceing noe Authorities or offering new Matter; Ordered that Mr John LLewellin & all other Persons intrusted in the publick Offices of Record in whose custody any Bills or Bonds belonging to the Lord Baltemore shall be found doe forthwith deliver vp the same Unto his Lops Agent or order pursueant to his Mats Comands of the 23th of ffebry 1692. And that an Order of this Board of the 14th of October last relateing to Surveyors doe not obstruct or hinder the Lord Baltemore nor any other persons from Surveying or laying out their owne Lands.

May the 7th 1694.

The Councill again Mett & Satt & were

Present

His Excncy Sr Edmond Andros Knt

Sr Thomas Laurence	Thomas Tench Esqr
Coll Nicho Greenberry	Capt John Addison
Coll Charles Hutchins	Capt John Courts
Coll David Browne	Thomas Brooke Esqr

Mr Tench Pet abt Seizure of Vessell & Ordr thereon

Read a Petition of Mr Tench relateing to the Seizure of a certain Vessell wherein he is concerned as Admr of the late Governor Copley—Ordered that Mr Attorney Generall doe take care for due Proceedings therein before the End of this Provinciall Court according to Lawe p. 73

Mr P. Clarke Order'd to deliver shiping Bills & Papers &ca belonging to Potomock District vnto Mr Plater

Vpon Application of Mr Philip Clarke relateing to the Collectorship of Potomock—Ordered that the said Clerk forthwith deliver vp to George Plater Esq all Bills, Bonds & other Papers now in his Custody relateing to the said place, pursueant to the Order of this Board—of the 14th of ffebry last

Lib. C. B.

Mr P. Clarke appointed Collector of Potomock District

and that a Deputation be given him the said Clerk for to Act as Collector of the said District of Potomock, Untill further Order he giveing Security for his due Execution of the same and performeing what the Law Requires.

Militia Order'd to be Muster'd & Train'd according to Law

Ordered that the Principall Officers & Comanders doe take care that the Militia within the severall Counties of this Province be provided & duely Exercised according to Law, of which Return to be made to the Chiefe Officer of each respective County.

Mr Henry Lowe & Collyer's Pet & Ref abt Charlets Estate &ca

p. 74

Vpon Petition preferred by Mr Henry Lowe & Thomas Collyer seting forth some grievance they lay vnder in Relation to certain Letters of Administration to them Granted Vpon the Estate of one Richard Charlet of Calvert County deceased and made void by a Speciall Court of Delegates, which being read ; Ordered that the same be Referred to be heard Saturday next & that all Persons therein concerned have notice to attend therevpon accordingly. Nota Halls Pet & Ordr should come in here. Vide infra . . .

Proclamation to declare Sr Tho: Laurence President &ca Order'd &ca

Ordered that Proclamation be prepared declareing Sr Thomas Laurence to be President of the Councill dureing the absence of the Governor or Comander in Chiefe. Wch accordingly was done Read & Signed by his Excy & passed the Broad Seal of the Province & was follows Vizt Vide below.

Broad Seale dd: to Coll Greenberry

Their Mats Broad Seale of this Province delivered to the Honble Coll Nicholas Greenberry at the Board to be keeper thereof Untill further Order.

Benj: Halls Pet & Ordr abt Guns &ca

Petition of Benjamin Hall of St Maries County Read therein praying the Delivery of some Guns & Amunition taken from Captain Bowling late of St Maries County deceased in the time of the Revolution, by Capt John Dent, with whose Widow he hath since intermarryed ;

Ordered that what Guns & Amunition of the said Capt Bowlings were taken away by the said Capt Dent be delivered to the Petitioner, or the said Capt Dent give an Answer to this Board.

By his Ex^ncy a Proclamation. Lib. C. B.

Proclamation declareing Sr Tho: Laurence president &c^a

Whereas their Ma^ts by their Royall Comission to the Governor of this Province have been pleased to signifye their Will & pleasure that in case of the death or absence of the Governo^r and noe other Person upon the place Comissionated to be Comander in Chiefe of this their said Province that then the Councill of Maryland should take upon them the Administration of the Governm^t & Executeing the said Comission and the severall Powers and Authorities therein contained And that the first Counsellor whoe should be at the time of the death or absence of the Governor or Comand^r in Chiefe residing within this their Ma^ts Province and Dominion doe Preside in the said Councill with such Powers & Prehominences as any former President hath Used & Enjoyed within the said Province or any other their Plantations in America Untill the Arrival of such Governor or Comander in Chiefe or their Ma^ts pleasure should be further knowne therein And fforasmuch as their Ma^ties have been pleased to Comand my present service in their Colony of Virginia and noe other person Upon the place Comissionated to be Commander in Chiefe of this their Province & Dominion pursueant therefore p. 76 to their Ma^ts Comission, I doe (by advice in Councill) in their Ma^ts Names by this Proclamation Notifye & make knowne the Administration of the Governm^t & the Execution of the said Comission and the severall Powers and Authorities therein contained (for & dureing my absence, or their Ma^ts pleasures further knowne) to be in the Councill of this their Ma^ts Province and Dominion & the Hon^ble S^r Thomas Laurence Baronet to Preside therein Untill my Returne or further Orders, of which all Persons are to take Notice & Give due Obedience as they will Answer the contrary at their Perills; Given under my hand & the Great Seale of the Province at the City of S^t Maries the seaventh day of May Anno Domini 1694 in the Sixth yeare of the Reign of Soveraign Lord & Lady King William & Queen Mary.

God Save King William & Queen Mary

E. Andros

A Proclamation declaring the Presidentship of the Councill in the absence of the Governor or Comand^r appointed; Prepared by me

Geo: Plater Attorney Gen^l

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

SIR THOMAS LAWRENCE,

President.

1694.

At a Councill held at the Councill Chamber in the City of S[t] Maries the 12[th] day of May in the Sixth yeare of the Reign of our Soveraign Lord & Lady William & Mary King & Queen of England &c[a] Annoq Domini 1694. p. 77

Present

The Hono[ble] S[r] Thomas Laurence Baron[t] President
Coll Nich[o] Greenberry, Coll Charles Hutchins, Coll David Browne
Thomas Tench Esq[r], Cap[t] John Addison, Cap[t] John Courts

Mr Lowes Pet again read & Ord[r] thereon.

Vpon Reading & reheareing the Petition of M[r] Lowe & Thomas Collyer, read at this Board the Seaventh instant, whereby they pray a Comission of Review vpon the Sentence of the Delegates given in the Appeale made by Mr. Thomas Greenfield vnto this Board from the Sentence of the Comissary Generall, and were appointed to attend this day for a finall determination thereof; it was this day put to the question whether the said Administrato[rs] be finally concluded by the sentence of the Delegates or whether a further Comission of Review shall be Granted; Resolved therevpon & Ordered, by advice of M[r] Attorney Generall, that the afores[d] Sentence of the Delegates in relation to the Estate of Richard Charlet deceased be affirmed, & that p. 78 noe further Comission of Review be Granted; but S[r] Thomas Laurence dissenting from the said Opinion is ready to give his Reasons for such his dissent when desired.

Mr Greenfield Bigger ordered to give Security for Charlets Estate &c[a]

Ordered that M[r] Thomas Greenfield & M[r] James Bigger persons to whome Letters ad colligendum have been Ordered by the afores[d] Speciall Court of Delegates doe imediately give good & sufficient Security to be answerable for the said Charlets Estate, and to indemnifye & save harmless the Comissary Gen[l] in all Points.

Cap[t] Biggers bond p Ranger lodged with the Clk

Cap[t] James Bigger's bond for Ranger of Calvert County delivered at the Board by the Hono[ble] Coll Nicholas Greenberry & Ordered to be lodged with the Clerk among the Councill papers.

Lib. C. B. Ordr to Comissionate Mr Robt Lockwood Capt of a Troope of horse & Mr Philips Capt of a ffoot Company &ca

Vpon Representation, Ordered, that Comission be prepared for to constitute Robert Lockwood of Ann Arrundell County Gent Captain of a Troope of horse as formerly raised in the Division of Herring Creeke and elsewhere in the said County; as likewise Comission to constitute James Philips of Baltimore County Captain of a Company of ffoot to be raised as formerly in Specutia Hundred, within the said County.

St Maries County Comission, Ordr p Renewmt

p. 79

Ordered that Comission of the Peace & for Tryeall of Causes in St Maries County be renewed, ading Capt Thomas Waughop, Mr John Lowe & Mr Joshua Guibert to the said Comission, and that Mr John LLewellin, one of the former Justices, be left out, and that the three first persons therein nominated be of the Quorum.

At a Councill held at the Councill Chamber in the City of St Maries the 16th day of May in the Sixth yeare of the Reign of our Soveraign Lord & Lady William & Mary King & Queen of England &ca Annoq Domini 1694.

Present

The Honoble Sr Thomas Laurence Baronet, President.

Coll Nicho Greenberry, Coll Charles Hutchins, Coll David Browne } Thomas Tench Esqr, Capt John Addison, Capt John Courts

Sr T. Laurence takes Oath of Trade & Navigation

The Oath of Trade & Navigation administered in Councill Unto the Honoble Sr Thomas Laurence Baronet, President of Maryland.

Spld Comission Ordered for Tryall of Mr Tench's ship

p. 80

Ordered that Speciall Comission of Oyer & Terminer be prepared according to Usuall Custome & forme for the Tryeall of the Ship Anne of Maryland, thereby constituteing & appointing Mr William Parker, Mr ffrancis ffreeman, Mr Henry Lowe, Mr Walter Smith & Mr Samuell Holdsworth, Justices, and that the Quorum consist of the two first persons therein Nominated who are for the said End & purpose to Meet & sit the third Tuseday in June next, at Battle Towne in Calvert County and that Henry Wriothesley be admitted Clerk of the said Court.

Comission for Talbot County Order'd to issue

Ordered that Comission of the Peace & for Tryall of Causes in Talbot County be forthwith prepared according to Usuall Custome & forme, constituteing & appointing the following Persons, Comissionrs & Justices, Vizt Mr Edward Man, Mr William ffinney, Mr James Smith, Mr Robert Smith, Mr John Davies, Mr William Coursey, Mr John Whittington, Mr Hugh Sherwood, Mr Thomas Bowdell, Mr James Morphey & Mr John Hawkins; and that the ffour ffirst persons therein Nominated be of the Quorum. Lib. C. B.

Esq Randolphs Motion abt the Kings part in the prize ship & Ordr thereon

Vpon Motion made by Esq Randolph their Mats Surveyor Genll & Deputy Auditor relateing to the condemnation of the Ship Margaret of London with her Cargoe &ca humbly praying that consideration might be taken by this Board for the due payment of the Kings part of the said Ship & Cargoe according to Appraisement of the same made; Ordered therevpon as it is hereby Ordered that George Plater Esq their Maties Receiver make Application to the party or parties in whose hands their Mats part of the said ship & Cargoe lyes, and that vpon Refuseall or delay of payment he take all the speedy & most proper Methods & courses possible to Secure & Collect the same for their Mats Use, and likewise take due Care to Collect & Receive all other Revenues, Dues & Duties belonging to their Mats within this Province, Untill further Order. p. 81

Councill appointed to meet at Battle Towne abt Sffes &ca

Councill appointed to Meet at Battle Towne the 13th day of June next in Order to Appoint Sherriffes, whoe vpon Receipt of their Comission are to give bond with two sufficient Securities in a Sume Suitable to the Number of Titheables, where they shall beare Office, for the due discharge of the same which bonds afterwards to be duely transmitted to the Secretaries Office, there to be lodged & kept, and that the Usuall Oath of Sherriffe be administered to each person soe appointed together with the Oaths appointed by Act of Parliament, instead of the Oaths of Allegiance & Supremacy either before one of the Councill or two of the Justices of the County where such Sherriffe lives & beares Office.

Motion about Navigation bonds & Ordr thereon

Vpon Motion made by George Plater Esqr relateing to Navigation bonds, acquainting the Board that whereas he had received good information that severall Masters of Ships whoe Sayled out of these parts went directly to Scotland contrary to the tenor of their severall Bonds, and therefore prayed the Directions of their Honors therein—Ordered therevpon as it is hereby Ordered that all p. 82

Lib. C. B. such bonds be imediately put in Suite; and all other persons appeareing to be tarde, in such like case, to be forthwith likewise prosecuted, Notwithstanding a former Order of this Board of the 14th of ffebry last, which gives Twelve Months time longer to procure Certificate &ca

Embargoe on ships bound for Europe till 20th of June next

Ordered that an Embargoe & stop be put vpon all ships & Vessells bound for Europe, Untill the 20th day of June next, and that none be cleared till that time, nor afterwards to be cleared to Sayle vnder the Number of ffive ships, to Meet at the Mouth of Petuxant River.

Motion abt Land Records bought by Hemsley & Ordr thereon

It being this day Represented in Councill that whereas William Hemsley of Talbot County had purchased from Mr John LLewellin severall Papers & Coppyes of Land Records, proveing prejudiciall as well to the just profits & perquisites accrueing to the Honoble the Secretary out of the Land Office, as alsoe detrimentall & pernicious to severall the inhabitants & good
p. 83 people of that County, Moveing that some care might be taken therein—Resolved & Ordered therevpon that the said Hemsley deliver Unto Mr Attorney Genll all such Papers & Coppyes soe as aforesd bought & received; and that from henceforward he altogether Surcease from makeing Use of the same, Under penalty of being proceeded against according to the Rigour & Severity of the Law.

Provinciall Court Rules read & Ordered Coppy to be sent to each County &ca

Produced at the Board certain Rules drawne vp for the better Regulateing the Proceedings of the Provinciall Court, the which being read & approved of by the Board,—their Honors were pleased to Order as it is hereby Ordered that Coppyes thereof be forthwith made & transmitted to the severall County Courts in Order to be there set vp and made publick; and that all Persons concerned take due Notice of the same accordingly.

Mr Wm Dent Ordered to be pd 1000l tob next Leavy

Ordered that Mr William Dent be allowed out of the next publick Leavye to be laid, the Sume of One thousand Pounds of Tobacco, for his Pains in drawing vp the aforesd Rules of the Provinciall Court.

Presented to the Board the following Certificate relateing to Dorchester County Parishes laid out according to Act &c
p. 84 the which was Ordered to be Entered and is as follows.

Maryland Dorchester County parishes, Certificat thereof &ca

Whereas it is provided by Act of Assembly that the severall & respective Justices & ffreeholders of each respective County within this Province shall at some convenient time assemble & Meet together

for the Divideing and laying out their severall & respec- Lib. C. B.
tive Counties into severall Districts & Parishes And the said Justices at their soe Meeting & Assembling as aforesaid to the full effecting & accomplishing all & every thing of them by the said Act required should by the Clerk of the said County Enter vpon Record their Proceedings therevpon, and the same soe vpon Record Entered as afores[d] cause to be Certifyed by the said Clerk Under his hand & Seale of such County wherein such Proceedings shall or ought to be Certifyed as aforesaid.

Wee therefore their Ma[ts] Justices for the County of Dorchester doe hereby humbly Certifye that Wee Henry Trippe, Jacob Lockerman, Henry Hooper, Thomas Ennalls, John Mackeele & William Mishew, their Ma[ts] Justices for the County of Dorchester as afores[d] together with the Hono[ble] Charles Hutchins Esq[e] & severall other the chiefe & principall ffreeholders of the said County did on the ffirst day of ffebruary Annoq Domini 1692 last past Meet together for divideing the p. 85
said County into severall Districts & Parishes pursueant to the said Act and that Wee the said Justices & ffreeholders as aforesaid by a Mutuall & Unanimous consent did Agree & consent Unto that the said County of Dorchest[r] should be Divided into two severall Districts and Parishes by a Divisionale Line drawne from the Mouth of Little Choptanck River binding therewith to the head of the said River from thence with a streight Line drawne to the head of the North branch of Black Water River to a plantation now in the Tenure or occupation of Benjamin Hunt of this County thence runing downe the said River on its severall Courses to the Mouth of the same, the Eastermost of which Parishes is named and called by the Name of Great Choptanck Parish, the other Parish is called & knowne by the Name of Dorchester Parish, and that the ffreeholders of the Parish of Great Choptanck doe Give their Meeting & Attendance at the Towne of Cambridge within the said Parish, on the first Saturday in March next to Choose Vestrymen for the said Parish of Great Choptanck. And that the ffreeholders of Dorchester Parish doe likewise Meet & give their Attendance at the Towne of Dorchester, on the second Saturday in the said Month of March p. 86
in Order to the Chooseing Vestrymen for the said Parish of Dorchester as by the said Act is required, All which proceedings by the said Justices and ffreeholders as aforesaid for the said County of Dorchester was by the said Justices Ordered to be Entered Upon Record which is accordingly done, and the which I doe here humbly Certifye vnder my hand & County Seale this tenth day of June, Annoq Domini 1693.

Sigill Hu: Eccleston Clk Com Dor.

Lib. C. B. At a Councill held at Battle Towne the 14th day of June in the Sixth yeare of the Reign of our Soveraign Lord & Lady William & Mary King & Queen of England &c[a] Annoq Dni 1694.

Present.

The Hono[ble] S[r] Thomas Laurence Baron[t] President.
Coll Nich[o] Greenberry, Cap[t] John Courts
Thomas Tench Esq[r]
Cap[t] John Addison, Thomas Brooke Esq[r]

Indians sent from Piscattoway ffort &c[a]

Three Indians from the Empero[e] of Piscattoway, Named John Mountague, Nepawenats Jack & Jack Morris, appeare at this Board vpon Acco[t] of an English Man killed by some Indians in Charles County. They are
p. 87 demanded to produce the Articles of peace concluded with that Nation which were accordingly produced & read Unto them. They are asked what authority & Power they have from their Empero[r] to Act in this Affaire vpon which they appeare here, and it is Answered they were sent from their Empero[r] to knowe what is required of them & that they had noe power from their Empero[r] to Give any further Account, save the knowing the Demands of the Board—Resolved & Ordered therevpon as it is hereby Ordered that Cap[t] John Addison together with the High Sherriffe of Charles County, Maj[r] James Smallwood & M[r] John Stone Meet at the house of M[r] William Hutchinson in the said County Wednesday next, and from thence Repaire to the Empero[r] of Piscattoways ffort, and there Demand of the Empero[r] & his Great Men to surrender vp the Anacostin King, suspected about the aforementioned Murther together with the Murtherers; pursueant to the Articles of peace concluded with them by this Governm[t] in Order to be proceeded against according to Law, and vpon such surrender made, to be Comitted to the Custody of the said Sherriffe, by him to be close kept Untill delivered by due course of Law.

Capt Addison Ordered to Raise 6
p. 88 Men &c[a]

Vpon Representation, Ordered that Cap[t] John Addison take care to Raise ffive Men & a Captain to Range from the ffalls of Potomock to the ffalls of Petuxant or in other places where it shall be Needfull to make quest after all skulking Indians, and that the said Rangers be placed where the said Cap[t] Addison shall direct; to be continued till the last of October.

Coll Greenberry Empowered to raise 12 Men &c[a]

Ordered that Coll Nich[o] Greenberry, vpon any occasion that to him shall seem Meet & convenient have hereby full Power to Raise Twelve Men Viz[t] Six in Ann Arrundell and six in Baltemore County

to be imployed to Range according to the Directions of the said Coll Greenberry, and to be continued as long as he shall see it Needfull or Necessary to be paid by the Countrey. Lib. C. B.

Sc[a]ries & Navall Officers Bonds dd at the Board to be Recorded

Delivered at the Board by Coll Nich[o] Greenberry the hon[ble] the Sc[a]ries Bond for performance of his Office together with Esq[r] Plater & Maj[r] Kings Navall Officers Bonds, to be Entered vpon Record according to former Order.

Maryland ss Sr Tho Laurence Sc[a]ris Bond

Know all Men by these Presents that I S[r] Thomas Laurence Baron[t] Secretary of their Ma[ts] Province of Maryland am held & firmly bound Unto their sacred Ma[ties] King William & Queen Mary &c[a] in the full Sum̄e of One thousand Pounds sterling Money of England to be paid to their said Ma[ties] their Heirs or Successo[rs] to the which paym[t] well & truely to be made & done I binde my selfe my heirs Executo[rs] & Administrato[rs] firmly by these Presents, Sealed with my Seale & Dated this Twelfth day of October in the ffifth yeare of their Ma[ties] Reigne Annoq Domini 1693. The Condition of the above Obligation is such that Whereas p. 89 their Majesties by their Letters Patents have Com̄itted the Office of Secretary of Maryland to the above bound S[r] Thomas Laurence to be by him held & Enjoyed dureing their Royall pleasure, and him the said S[r] Thomas Laurence to take & Receive into his possession & care all the Records, Court Rolls & other Deeds & Papers therevnto belonging Now the Condition of this Obligation is such that if the said S[r] Thomas Laurence doe in all things according to the Obligation & Duty of his said Office well & truely observe, performe & Execute the same either by himselfe or such Clerks as he will Answer for without fraud or Covin, and well & truely Resigne & deliver the same Office & all Records & other Papers, Writeings & Deeds which shall be to him delivered together with what shall be Received Entered or Enrolled dureing his Continuance therein, when by their Ma[ties] their heires or Successo[rs] he the said S[r] Thomas Laurence shall be lawfully discharged therefrom, That then this Obligation to be Void or else to Remaine in full force & Virtue.

Sealed Signed & Delivered in p[r]sence of — Thomas Laurence [Seale]

Nich[o] Greenberry
George Plater
Will[m] Dent

Lib. C. B. Maryland ss.

Esqr Platers Navall Officers Bond p. 90 Know all Men by these Presents that Wee George Plater & Thomas Tench of the Province of Maryland Esqr are held & firmely bound Unto their Maties King William & Queen Mary in the full & just Sume of Two thousand Pounds of good & lawful money of England, to be paid to them their Heires or Successors to the which paymt well & truely to be made & done Wee binde Us & either of Us, our & either of our Heirs, Executors Administrators joyntly & severally for the whole and in the whole in the Sume abovesaid Sealed with our Seales Dated the Seaventh day of October Annoq Domini 1693.

The Condicon of the above Obligation is such that Whereas the above bound George Plater is Nominated & appointed Navall Officer for the port of petuxant in the Province aforesaid; Now if the above bound George Plater performe and discharge the Trust reposed in him and Render a just & true Account of all Moneys, Dues or other Duties by him Collected & Received or to be Collected & Received as Navall Officer to such person or persons qualifyed to Demand the same when required then the above Obligation to be Void else to stand, Remaine & be in full force & Vertue.

Sealed & Delivered in prsence of Us — George Plater [Seale]

John Addison — Thomas Tench [Seale]
Willm Dent

Maryland ss.

Majr Kings Navall Officers Bond p. 91 Know all Men by these Presents that Wee Robert King and ffrancis Jenckins of the Province of Maryland Gentl are held & firmely bound Unto their Maties King William & Queen Mary in the full & just Sume of Two thousand Pounds of good & lawfull Money of England to be paid to them their Heires or Sucessors to the which paymt well & truely to be made & done, Wee binde Us & either of Us, our & either of our Heirs Executors & Administrators joyntly & severally for the whole & in the whole in the Sume abovesd Sealed with our Seales Dated the Seaventh day of October Annoq Dni 1693.

The Condicon of this Obligation is such that Whereas the above bound Robert King is Nominated & appointed Navall Officer for the County of Somerset in the Province aforesaid Now if the above bound Robert King performe & discharge the Trust reposed in him and Render a just & true Account of all Moneys, Dues, or other Duties by him Collected &

Received as Navall Officer to such person or persons qualifyed to Demand the same when Required, then the above Obligation to be Void else to stand, Remaine & be in full force & Vertue. Lib. C. B.

Sealed & Delivered in p[r]sence of Us — Rob[t] King [Seale]

Jn[o] West
Charles Tilden — ffra: Jenckins [Seale]

Adjourne till 5 Clock in the Afternoon

Afternoon 5 Clock

Councill Mett & Satt & were p[r]sent as before.

Read two Letters from the Governo[r] of New Yorke Dated 2[d] of March & 24[th] of May last past, relateing to some further Supplye from this place towards their Assistance. p. 92

L[re] Ordered to be sent to the Governr of New Yorke

Ordered that an Answer to the same be sent to acquaint his Excellency with the present indigency and want of a Banck to give any present assistance, but as soon as the Governo[r] Comissionated for this Province Arrives, whoé is now here dayly Expected the Matter will be Represented to the Assembly and then a further Answer shall be Given. W.

Delivered at the Board the Collector of New Yorkes Receipt for 250[l] 8d sterl thither Remitted from this Governm[t] by the hands of M[r] Roger Newman, the Teno[r] whereof follows in these Words, Viz[t] W.

Collector of New Yorkes Receipt p Bills of Excha

Received from Roger Newman Esq[r] Nine Setts of Bills of Exchange drawne by severall Persons on Merchants in England & Boston in New England, all Three Bills to each Sett, for severall Sumes, the whole amounting to Two hundred & ffifty Pounds Eight shill and ffour pence, being sent by the Governm[t] of Maryland, pursueant to their Ma[ties] Letter of the first of March 1692/3 to the said Governm[t] toward the Defence of this Province of New Yorke against the ffrench and Indians, I say Rec[d] the thirtieth of Aprill 1694 p me

Coll
Chad Brook Rec[r] Gen[ll]

Lib. C. B. Mr Newmans Receipt to be Redelivered him

Ordered that Mr Newmans Receipt passed for the true Delivery of the same, be Redelivered him by the Clerk of this Board.

p. 93 Comission p St Ma: County Court to be altered & Rectifyed

Vpon Representation, Ordered that Mr Joshua Guibert lately put into the Comission of St Maries County Court be Razed out and Mr Benjamin Hall put in his stead, and that a Mistake in placeing Mr Briscoe before Capt Greenhalgh be likewise Rectifyed.

Court of Admiralty Comission Appointed

Vpon the Motion & Representation of George Plater Esqr on behalfe of Capt Hurle Ordered that a Court of Admiralty Comission be Prepared for Tryeall of a Prize ship taken by the said Captain Hurle from the ffrench, constituteing & appointing Mr John Watson Mr John Lowe Mr Samel Watkins, Capt Edward Greenhalgh & Capt Thomas Waughop Comissionrs & Justices for the said End & purpose.

Warrant issued to the Sherriffe of Calvert County for the imediate apprehending & bringing before this Board Thomas Johnson of the said County to Answer to such things as on their Maties behalfe shall be objected against him.

Tho: Johnson Comitted to the Custody of the Sherriffe

Came & appeared at the Board the aforesaid Thomas Johnson in the Custody of the said Sherriffe and was read Unto him a Deposition sworne to by Doctor Symon Wotton relateing to Rebellious & Treasonable Words spoken and Uttered by the aforesaid Johnson. Ordered therevpon as it is hereby Ordered that the said Johnson still Remaine in the Custody of the Sherriffe, Untill he Give Good & sufficient Security or Enter into Recognizance himselfe in the Sume of ffive hundred Pounds sterling, and his Two security in the Sume of Two hundred & ffifty Pounds sterling each for his Appearance at the next Provinciall Court to Answer the same & in the meane time to be of good behaviour.

p. 94 Doctr Wotton Enters into Recogn in 200l sterl to appeare &ca

Then Came Doctor Symon Wotton and acknowledged himselfe to be oweing & indebted Unto our Soveraign Lord the King in the Sume of Two hundred Pounds sterling that he the said Wotton should be & personally appeare at the next Provinciall Court as Evidence for the King agt the aforenamed Thomas Johnson.—

Wm Gilly Ordered 1001 tob; the next Leavye

Ordered that William Gilly, whoe Officiated the place of Dorekeeper this present Councill, be allowed for his trouble, the Sum̄e of One hundred Pounds of Tob° at the next laying of the Leavye. Lib. C. B.

At a Councill held at Westwood, at the house of Captain John Bayne in S^t^ Maries County the 29^th^ day of June in the Sixth yeare of the Reign of our Soveraign Lord & Lady William & Mary King & Queen of England &c^a^ Annoq Dni, 1694.

Present.

The Hon^ble^ S^r^ Thomas Laurence Baronet, President.

Coll Nich° Greenberry, Thomas Tench Esq^r^, Cap^t^ John Addison, Cap^t^ John Courts, Thomas Brooke Esq^r^

Indians from the Emperor of Piscattoway appeared &c^a^ with the Anacostin King

An Indian called King Peter with five more of the Great Men belonging to the Emperor of Piscattoway appeare here at the Board together with Quassapelagh an Indian com̄only knowne & Called by the Name of the Anacostin King. The Articles of peace are read Unto them. p. 95

They are asked if they will acknowledge those Articles and stand by them; whoe doe joyntly make Answer that they are ready to stand & abide by the same.

Then it is demanded that they Give an Account of the person or persons whoe Com̄itted the late Murther in Charles County, being justly suspected to be Indians Under their protection, and they make Answer they are ignorant whoe are the parties concerned.

The Anacostin King demanded to be surrender'd vp.

Positive Demand is made by the Board that Quassapelagh an Indian now present, com̄only knowne and called by the Name of the Anacostin King be Surrendered vp to Receive a Speedy Tryall at Charles County Court house; haveing pregnant Circumstances to suspect the said Quassapelagh to be concerned in the aforementioned Murther; whoe after a long Consultation about the same had, they Consent to deliver vp the said Quassapelagh otherwise called the Anacostin King as a prisoner, pursueant to the aforementioned Articles of peace.

Surrender'd vp

Mittimus Order'd

Ordered that his Mittimus be accordingly drawn to be kept in the Custody of the Sherriffe of Charles

Lib. C. B. County Untill he be there Delivered by due course of Law; the which accordingly issued in these following Words, Viz[t]

Mittimus &c[a] S[r] Thomas Laurence Baronet President together with the rest of their Ma[ties] Councill of Maryland To Colonell Humphrey Warren high Sherriffe of Charles County Greeting You have herewith Under safe & Secure conduct
p. 96 sent you the Body of Quassapelagh an Indian comonly knowne & called by the Name of the Anacostin King this day Surrendered vp Unto Vs a prisoner by the Emperor of Piscattoways Great Men vpon our Demand, suspected to be concerned in a most bloody & horrid Murther comitted in & vpon the Body of one James Lysle late an Inhabitant within your County, which said prisoner you are to keepe Under safe & secure Custody Untill he shall be Delivered from you by due course of Law; Given vnder our hands at the Councill Board this 29[th] day of June in the Sixth yeare of the Reign of our Soveraign Lord & Lady W[m] & Mary King & Queen of England &c[a] Annoq Dni, 1694.

Tho: Laurence
Nich[o] Greenberry
Thomas Tench
Jn[o] Addison
John Courts
Thomas Brooke.

Coll Warren Order'd to Deliver 1ool of shot &c[a] to Capt Addison &c[a] Ordered that Coll Humphrey Warren forthwith vpon sight hereof deliver or cause to be Delivered Unto the Hono[ble] Capt John Addison or Order, One hundred weight of shot & Bullet for the Use of Capt Richard Brightwell & Rangers in Charles County.

1ool of shot & a barr[ll] of fine powd[r] Order'd to Coll Greenberry &c[a] Ordered that there be delivered out of the Magazine at S[t] Maries, One Barrell of fine powder, and One hundred Weight of Bullet & shot, Unto the Hono[ble] Coll Nicholas Greenberry or Ord[r] for the
p. 97 Use and defence of Ann Arrundell & Baltemore Counties.

Sp[ll] Comission to issue for Tryall of the Anacostin King &c[a] Ordered that Speciall Comission be Prepared for the Tryall of Quassapelagh otherwise called the Anacostin King this day Comitted into the Custody of the Sherriffe of Charles County suspected about the Murther of one James Lysle late an Inhabitant of the said County; constituteing & appointing M[r] John Stone Capt W[m] Barton, M[r] Henry Hawkins, M[r] W[m] Hutchinson M[r] Robert

Yates & Mr Wm Hatton Justices & Comissionrs to have & determine the same as alsoe any other Outrages which have or shall be Comitted & done by any Indians in those parts, in violation of the Articles of Peace concluded with them, with power to punish the same according to the Laws of England or this Province, pursueant to the aforementioned Articles of Peace; which Comission to Remain & be in force dureing pleasure. Lib. C. B.

Mr Attorney Genll Order'd to inspect the late Governors Commission of Vice Admirall &ca in Ordr to the Tryall of the Ship taken by Capt Hurle &ca

Ordered that Mr. Attorney Generall with all expedition inspect & peruse the late Governors Comission of Vice Admirall of this Province, and make Report of the Power & Nature of the said Comission to the Honoble the President, to the End if he see it necessary & requisite a Comission may forthwith be Prepared, pursueant to the same for the Tryall of a certain ship taken at Sea by one Captain Hurle, and by him lately brought into this Province; And that a former Ordr of this Board of the 14th of June instant relateing to the same be Null and Void: the 12thday of July next being the time appointed for the said Tryall, at Benedict Leonard Towne in Calvert County. p. 98

Sffes Election Ordered 12th of July next &ca

Vpon Representation of some Gentlemen of the Councill to the Honoble the President that there is an Apparent and absolute Necessity for the imediate appointing & Electing New Sherriffes in complyance to the Act of Assembly of this Province; for want of which it being alledged that great Complaints are likely to be made & Offered from all Parts of the Province—Resolved & Ordered therevpon that the Councill meet & sit vpon the day & place aforementioned in Order to Elect Sherriffes accordingly.

Read a Letter sent from the Justices of Calvert County the Tenor whereof followed in these Words, Vizt

Calvert County Justices Letter

To the Honoble Sr Thomas Laurence Baront President of their Maties Councill of State in Maryland together with the Rest of the honoble Members of the same Councill.

Wee their Maties Justices of Calvert County in Obedience to their Mats Comission & faithfullness to their service for doeing the severall Businesses depending in the said County Court are Mett & attending vpon the same But calling to Remembrance that the last Comission to Majr Ninian Beale Sheriffe of this County expired the last Aprill, And vpon Inquiry

Lib. C. B. p. 99 finding that he hath not obtained any further Comission for the same Office from yo[r] Hono[rs] the present Governors of this Province, Wee humbly conceive his Returne or serveing of any of their Ma[ts] Comands as Sheriffe will not be sufficient or Valid in Law but afford great cause of Error in Proceedings; and knowing that this their Ma[ts] County Court consists of Justices, Sheriffe & Clerk, any of which not being duely qualifyed according to Law renders the Proceedings Vicious.

Wee humbly Represent the same to yo[r] Hono[rs] and pray yo[r] advice in the premises that our Proceedings may be Agreeable to Law and have at present adjourned the Court for the Causes afores[d] and in humble expectation of your Hono[rs] favourable interpretation of this our Address and Answer to the same, Wee subscribe ourselves,

Yo[r] Hono[rs]
ffaithfull Servants
Tho: Tasker
W[m] Parker
ffra: Hutchings
Henry Mitchell
ffra: ffreeman
John Sollers

Dated at the Court house in Calvert Towne the 20[th] day of June 1694.
Directed vpon the back thus,
To the Hono[ble] S[r] Thomas Laurence Baron[t] at S[t] Maries, Present

Venire Ordered to issue agt the aforesd Justices of Calvert County p. 100

Ordered that the severall & Respective Justices signeing the afores[d] Letter be sum̄oned by their Ma[ties] Writ of Venire to come & appear at the next Provinciall Court of this Province to be holden at the City of S[t] Maries; To Answer to such things as on their Ma[ties] behalfe shall then & there be objected against them.

Edward ffilpot Ordered 400[l] tob

Ordered that Edward ffilpot of Charles County be allowed out of the next publick Leavy to be laid the Sum̄e of ffour hundred pounds of Tob[o] for himselfe & horse goeing an Express to Cap[t] Addisons & back again.

At a Councill held at Benedict Leonard Towne in Calvert County, at the house of M[r] Jonathan Wilson the 14[th] day of July in the Sixth yeare of the Reign of our Soveraign Lord & Lady William & Mary King & Queen of England &c[a] Annoq Domini 1694.

Present,

The Hono[ble] S[r] Thomas Laurence Baron[t] p[r]sid[t]

Coll Nich[o] Greenberry
Thomas Tench Esq[r]
Cap[t] John Addison
Cap[t] John Courts
Thomas Brooke Esq[r]

Produced & read a former Order of this Board relateing to the Election of Sherriffes, dated the 29th of June last past; and Lib. C. B.

The Board pceeds to the appointing New Sffes

therevpon the Board proceeds to the Nominateing & appointing New Sherriffes for the severall & Respective Counties within the Province.

Severall Persons being proposed to Execute the Office of Sheriffe within the County of St Maries for the yeare ensueing; Capt John Bayne at last by the Unanimous consent of the severall Members present in Councill was appointed Sheriffe of the said County, the honoble the President onely excepted, whoe Ordered his dissent thereto to be Entered. p. 101

ffor Charles County was appointed Mr John Stone.
ffor Ann Arrundell County—Capt Wm Holland
ffor Baltemore County, Majr John Thomas.
ffor Cecill County—Mr John Carvile
ffor Kent County—Mr Daniell Norris
ffor Talbot County—Mr James Smith.
ffor Dorchester County—Doctr Jacob Lockerman.
ffor Somerset County—Mr Ephraim Wilson.

Mr William Parker of Calvert County being represented by severall of the Inhabitants thereof to be a fit person for Sherriff of the said County was for sometime objected against by the Board, for that he the said Parker was by an Order of this Board, of the 29th of June last past Required to be and appeare at the next Provinciall Court, haveing been concerned together with severall others of the Comissionrs of that County Court in signeing to a Refractory sort of an Address then produced in Councill: however Resolved that the said Parker be Comissionated Sherriffe of the said County for the ensueing yeare, vpon acknowledgment of his offence & makeing submission before this Board the which he accordingly performed expressing himself sorry for the same.

Sffes Comissions Ordered to be prepar'd to pass the Broad Seale

Ordered that Comissions be forthwith prepared to pass the Broad Seale, to constitute the severall forenamed persons, Sherriffes within the severall & respective Counties according to appointmt which said Comissions they are to Receive at the next County Court to be held in the Month of August, at which time the Comissionrs are hereby obligated to take Bond with two sufficient Securities, for the due Execution of their said places; the Sherriffe of St Maries, Calvert, Ann Arrundell, Talbot & Somerset giveing Bond to the Sume of Three hun- p. 102

Lib. C. B. dred thonsand Pounds of Tob° and the Sherriffes for the rest of the Counties, in the Sum̄e of Two hundred thousand pounds of Tobacco.

Sr Tho: Laurence Order'd to deliver powder & Ball to Coll Hutchins & Coll Browne

Ordered that Sr Thomas Laurence deliver as much powder & Ball as is represented by Coll Hutchins & Coll Browne to be Necessary & wanting in Dorchester and Somerset Counties for the defence & Security of those parts.

Capt Addison & Capt Holliday Empower'd to Examine Witnesses abt the Murther of Lysle

Ordered that Capt John Addison of Charles County and that Capt Thomas Holliday of Calvert County have hereby full Power to Examine the Widow of James Lysle as Evidence agt the Anacostin King, suspected to be concerned in the Murthering her husband; as likewise all other Evidence or Evidences which shall be produced before them in that behalfe.

Addition of 1 Barrll of fine powder & 50l of shot to Coll Greenberry

p. 103

Ordered that there be delivered to Coll Nich° Greenberry or Ordr one barrell of fine powder & ffifty Weight of shot more than what was afore Ordered him by this Board.

Coll Beale Ordered 1 Barrll of powdr & 100l shot.

Ordered that there be care taken to send one barrel of fine powder & 100l of shot & bullet to Mr Platers at Petuxant, by him to be delivered Unto Coll Ninian Beale for the defence & security of Calvert County.

Comission for Tryall of the Indian Orderd to pass the Seale

Produced the Com̄ission for Tryall of the Anacostin King, being read was Ordered to pass the Broad Seale with blanck to be left for the time of Tryall.

Ordr p testamentary pceedings lyeing lodged in the Counties to be transmitted to the Comissaries Office

Vpon Representation of the Com̄issary Genll of this Province; Ordered that the Justices & Com̄issioners of the severall & respective Counties within the same doe im̄ediately vpon sight hereof direct & Order the severall Clerks belonging to their Courts to inspect and Examine their Records & Papers for all Testamentary Proceedings in their severall Courts taken & had, dureing the time of the Revolution and that the severall Records & papers touching Probat of Wills &ca they cause, (with all possible expedition) to be duely & carefully returned (if such Records lay not intermixed with Business of another nature, in which case true Coppyes of the same are to be transmitted, Attested Under the sd Clerks hands & County

Seale) Unto the Comissaries Office at the City of S^{t} Maries, Lib. C. B. there onely to Remaine & be kept.

Embargoe vpon Vessells.

Ordered that an Embargoe & stop be put vpon all Vessells bound out of this Province for Europe after the 23th of this instant July Untill further Ord^{r} and that in the interim noe such Vessell be cleared without giveing Bond to goe downe to Point Comfort in Virginia to joyne the ffleet there now rideing, being Ordered by his Ex^{ncy} S^{r} Edmond Andros the said time prefixed to Sayle. p. 104

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON, ESQ.
Governor.

1694–97.

Note where you find the Word, Whitehall, in the Marjant of the Ensuing Proceedings of this Booke, it is to signifye that such Clauses & passages, as are so Marked, have been sent for England to the Rt Honoble the Lords of the Comittee of Trade & Plantations & their Mats Principle Secretary of State, Pursuant to their Sacred Mats Royall Instructions. Lib. H. D.

Hen: Denton
C of Concil.

At a Councill held at the City of St Maries, at the Councill Chamber, the 26th day of July in the Sixth yeare of the Reigne of our Soveraign Lord & Lady William & Mary King & Queen of England &ca Annoq Domini 1694. p. 1

Present

The Honoble Sr Thomas Laurence Baront President.

Coll Henry Jowles	Capt John Addison
Coll George Robotham	Capt John Courts
Coll Nicho Greenberry	Thomas Brooke Esqr
Thomas Tench, Esqr	James ffrisby Esqr

ffrancis Nicholson Esqr his Comission for the Governmt Rnd

His Excellency ffrancis Nicholson Esqr likewise Came & produced to the Board their Mats Comission vnder the Broad Seale of England, Dated the Tenth day of ffebry in the ffifth yeare of their said Majesties Reigne &ca whereby (Upon inspection of the same had) was signifyed their Royall Will and pleasure of Comitting the Care & Charge of the Governmt of this their Province and Territory of Maryland unto the said ffrancis Nicholson Esqr Whitehall

The said Comission Runes in these following Words Vizt

[Commission of Governor Nicholson.]

William and Mary by the Grace of God King & Queen of England, Scotland, ffrance and Ireland Defenders of the ffaith &ca To our Trusty & welbeloved ffrancis Nicholson Esqr Greeting Wee Reposing Especiall Trust & Confidence in the prudence Courage & Loyalty of you the said ffrancis Nicholson

Lib. H. D. out of our Especiall Grace certain knowledge & Meere Motion Have thought fit to Constitute and Appoint and by these presents doe Constitute & Appoint you the said ffrancis Nicholson to be our Captain Generall & Governor in Cheife and over our Province & Territory of Maryland in America And Wee doe hereby Require & Comand you to doe & Execute all things in due manner shall belong vnto your said Comand and the Trust We have Reposed in you according
p. 2 to the severall Powers & Directions Granted or Appointed you by the Comission and the Instructions herewith Given you or by such further powers Instructions & Authorities as shall at any time hereafter be Granted or Appointed you vnder our Signet & Signe Manuall or by our Order in our privy Councill and according to such Reasonable Laws and Statutes as are now in force or hereafter shall be made and Agreed Upon by you with the Advice & Consent of the Councill & Assembly of our said province Under your Governm^{t} in such manner & forme as is hereafter Expressed And Wee doe hereby Give & Grant full power vnto you the said ffrancis Nicholson after you shall have first taken an Oath for the due Execution of the Office & Trust of our Captain General & Governor in Cheife in and over our said province & Territory of Maryland which our Councill or any ffive of them have hereby full power & Authority and are Required to Administer vnto you to Give & Administer to each of the members of our said Councill the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy as also the Test and the Oath for the due Execution of their places and Trusts And Wee doe hereby Give & Grant Unto you full power & Authority to Suspend any of the Members of our said Councill from siting Voting and assisting therein if you shall find just Cause for so doing And if it shall at any time happen that by the Death departure out of our said province or suspension of any of our Councellors there shall be a Vacancy in our said Councill any three whereof Wee do hereby Appoint to be a Quorum Our Will & pleasure is that you signifye the same Unto Us by the first opportunity that Wee may vnder our Signet & Signe Manuall Constitute & Appoint others in their stead But that our Affaires at that distance may not suffer for want of a due Number of Councillors if Ever it shall happen that there be less than Seven of them Residing in our said Province Wee doe hereby Give & Grant vnto you full power & Authority to Choose as many persons out of the principall ffreeholders Inhabitants off thereof as will make vp the full Number of our said Councill to be Seaven and no more which persons by Virtue of such Choice shall be to all intents & purposes

Councellors in our said province Untill they shall be Confirmed Lib. H. D.
by vs or that by the Nomination of others by vs vnder our
Signe Manuall & Signet the said Councill shall have Seaven
persons in it And Wee doe hereby Give & Grant Unto you p. 3
full power & Authority with the Advice & consent of our said
Councill from time to time as need shall Require to Sum̄on &
Call Generall Assemblies of the ffreeholders within your
Governm^{t} according to the Usage of our Province & Territory
of Maryland Our Will & Pleasure is that the persons therevpon
duly Elected by the Major part of the ffreeholders of the
respective Counties and places and so Returned And having
before their siting taken the Oaths appointed by Act of Par-
liam^{t} to be taken instead of the Oaths of Allegiance &
Supremacy as also the Test which you shall Com̄issionate fit
persons vnder our Seale of Maryland to Administer vnto them
and without taking which none shall be Capable siting though
Elected shall be Called and held the Generall Assembly of
that our province And that you the said ffrancis Nicholson by
and with the consent of our said Councill & Assembly or the
Major part of them respectively have full power & Authority
to make Constitute & Ordaine Laws Statutes & Ordinances
for the publick peace Welfare & good Governm^{t} of our said
Province and the people and Inhabitants thereof And such
others as shall Resort thereto and for the benefit of Us our
heirs & Successors Which said Laws Statutes & Ordinances
are to be as neare as may be Agreeable to the Laws & Statutes
of this our Kingdome of England Provided that all such Laws
Statutes & Ordinances of what Nature or duration soever be
within three Months or sooner after the making thereof
Transmitted Unto Us vnder our Seale of Maryland for our
Approbation or disallowance of the same as also Duplicates
thereof by the next Conveyance or if it shall happen that dur-
ing this time of Warr no shipping shall Come from our said
province within three Months after the making such Laws
Statutes & Ordinances whereby the same may be transmitted
as afors^{d} that then the said Laws Statutes & Ordinances be
Transmitted Unto Us by the next Conveyance after the making
thereof for our Approbation or disallowance of the same And
in case any or all of them being not before Confirmed by Us
shall at any time be disallowed & not Approved and so signi-
fyed by vs our Heirs & Successors Under our or their Signe
Manuall & Signet or by Order of our or their privy Councill
Unto you the said ffrancis Nicholson or to the Com̄ander in
Cheife of our said province for the time being then such &
soe many of them as shall be so disallowed and not Approved
shall from thence for Cease, determine & become Utterly p. 4
Voyd & of None Effect any thing to the contrary thereof

Lib. H. D. p. 4 Notwithstanding And to the End Nothing may be passed or done by our said Councill or Assembly to the prejudice of Vs our Heirs or Successors Wee Will and Ordaine that you the said ffrancis Nicholson shall have & Enjoy a Negative Voyce in the Making and passing of all Laws Statutes & Ordinances as aforesaid And that you shall and may likewise from time to time as you shall Judge it Necessary Adjourne prorogue and Dissolve all Generall Assemblies as aforesaid And our Will & Pleasure is that you shall and may Keepe & Use the publick Seale Appointed or to be Appointed by Vs for our Province of Maryland And Wee doe further Give & Grant vnto you the said ffrancis Nicholson full Power & Authority from time to time and at any time hereafter by yourself or by any other to be Authorized by you in that behalfe to Administer and Give the Oaths Appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy to all & every such person or persons as you shall think fit who shall at any time or times pass into our said province or shall be Resident or abiding there. Wee doe further Give & Grant vnto you full power and Authority with the advice & consent of our said Councill to Erect Constitute & Establish such & soe many Courts of Judicature and publick Justice within our said Province and Territory Under your Governm^{t} as you and they shall think fit and Necessary for the hearing & determining of all Causes as well Criminall as Civill according to Law and Equity and for Awarding of Execucō therevpon with all Reasonable & Necessary powers Authorities ffees & priviledges belonging Unto them as also to Appoint & Comissionate fit persons in the severall parts of your Governm^{t} to Administer the Oaths Appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy and the Test Unto such as shall be oblidged to take the same And Wee doe hereby Authorize & Impower you to Constitute and Appoint Judges Justices of the peace and other Necessary Officers and Ministers in our province for the better Administration of Justice and putting the Laws in Execucōn And to Administer to them such Oath or Oaths as are Usually Given for the due Execucōn & performance of Offices & places and for the Clearing of Truth in Judiciall Causes Wee doe further by these presents Will & Require you to permitt Appeales to be made in Cases of Error from our Courts in Maryland Unto our Governor & Councill in Civill Causes Provided the Value Appealed for doe Exceed the Sume of One hundred pounds sterl And that security be first duly Given by the Appellant to Answer such Charges as shall be awarded in case the first Sentence shall be Affirmed And Whereas Wee Judge it Necessary that all our Subjects may have Liberty to Appeal

Unto Us in cases that may Require the same Our Will & Lib. H. D.
Pleasure is that if either party shall not rest satisfyed with the
Judgem^{t} or Sentence of our Governor or Councill they may p. 5
then Appeal Unto Us in our privy Councill Provided the
Matter in difference Exceed the Reall Value and Sum̄e of
Three hundred Pounds sterling and that such Appeal be made
within one fortnight after Sentence and that Security be like-
wise duly Given by the Appellant to Answer such Charges as
shall be Awarded in Case the Sentence of the Governor &
Councill be Confirmed And Provided also that Execucō be
not suspended by Reason of any such Appe Unto Vs And
Wee doe hereby Give & Grant Unto you full power and
Authority where you shall Judge any Offender or Offenders
in Criminall Matters or for any ffynes or fforfeitures due vnto
Vs fit Objects of Mercy to Pardon & Remitt all such Offences
ffynes or fforfeitures before or after Sentence Given Treason
& Willfull Murder only Excepted in which Cases you shall
likewise have power vpon extraordi Occasions to Grant
Reprieves to the Offenders Untill our Royall pleasure may
be knowne therein And Wee doe by these presents Authorize
& Impower you to Colat any Person or Persons in any
Churches Chapels or other Ecclesiasticall Benefices within our
Province & Territory aforesaid as often as any of them shall
happen to be Voyd And Wee doe hereby Give and Grant
Unto you the said ffrancis Nicholson by your selfe your
Captains & Com̄anders by you to be Authorized full power
& Authority to Levy Arme Muster Com̄and & Employ
all persons whatsoever Residing within our said Province &
Territory vnder your Governm^{t} and as Occasion shall serve
them to Transfer from one place to another for the Resisting
& withstanding of all Enemies Pyrats & Rebells both at Sea
and at Land And to Transport such fforces to any of our
Plantations in America as occasion shall Require for the
Defence of the same against the Invasion or Attempts of any
of our Enemies And such Enemies Pyrats & Rebells if occa-
sion shall Require to pursue and prosecute in or out of the
Limits of our said province and plantacōns or any of them
And if it shall please God them to Vanquish Apprehend &
take And being taken either according to the Law of Armes
to put to Death or keepe & preserve alive at your discretion
And to Execute Marshall Law in time of Invasion Insurrection
or Warre as also vpon Soldiers in pay And to doe & Execute
all and every other thing or things which to a Captain
Generall Doth or ought of Right to belong as fully and
amply as any our Captain Generall doth or hath Usually done
And Wee doe hereby Give and Grant Unto you full power &
Authority to Erect Raise & build in our province & Territory

Lib. H. D. p. 6 afores[d] such and so many fforts platforms Castles Cityes Burroughs Townes & ffortifications as you by the Advice afores[d] shall Judge Necessary And the same or any of them to ffortifye and furnish with Ordinance Amunicōn & all sorts of Armes fit and Necessary for the security and defence of our said province. And forasmuch as divers Mutinyes & disorders doe happen by persons shipped and Imployed at Sea And to the End such as shall be shipped or Imployed at Sea may be the better Governed & Ordered. Wee doe hereby Give & Grant Unto you the said ffrancis Nicholson our Captain Generall and Governor in Chiefe full power and Authority to Constitute and Appoint Captains Leivetenants Masters of ships and other Comanders And to Grant such Captains Lieutenants Masters of ships & other Comanders Comissions to Execute the Law Martiall and to Use such proceedings Authorityes punishment Correction & Execucōn vpon any Offender or Offenders which shall be Mutinous Seditious disorderly or any way vnruly either at Sea or during the time of their abode or Residence in any of the Ports Harbours or Bays of our said province or Territory as the Cause shall be found to Require according to Martial Law Provided that Nothing herein contained shall be Construed to the Enabling you or any by your Authority to hold plea or have Jurisdiction of any Offence Cause Matter or thing Comitted or done vpon the High Sea or within any of the harbours Rivers or Creekes of our said province or Territory vnder your Governm[t] by any Captain Comander Lieutenant Master or other Officer Seaman Soldier or person whatsoever who shall be in Actuall service & pay in and on Board any of our ships of Warr or other vessells Acting by imediate Comission or Warrant from our Comissioners for Executing the Office of our high Admirall of England vnder the Seale of our Admiralty or from our high Admirall of England for the time being. But that such Captain Comander Lieutenant Master Officer Seaman Soldier & other person so offending shall be left to be proceeded against & Tryed as the Merit of their offences shall Require either by Comission vnder our Great Seale of England as the Statute of the Eight & twentieth of Henry the Eight Directs or by Comission from our High Admirall according to the Act of parliament passed in the thirteenth yeare of the Reigne of the late King Charles the second of blessed Memory Intituled an Act for the Establishing Articles & Orders for the Regulateing and better Governm[t] of his Majesties Navys ships of Warr and fforces by Sea and not otherwise Saving only that it shall and may be Lawfull for you vpon any such Captain or Comanders Refusing or Neglecting to Execute or vpon his Negligent or Undue Execucōn of any of the written Orders he

shall Receive from you for our service and the service of our Lib. H. D.
said Province to Suspend him the said Captain or Comander p. 7
from the Exercise of his said Office of Comander and Comitt
him into safe Custody either on Board his owne Shipp or else
where at your discrecōn in Order to his being brought to
Answer for the same by Comission either Under our Great
Seale of England or from our said High Admirall as is before
Expressed in which Case Our Will & Pleasure is that the
Captain or Comander so by you suspended shall during such
his suspension & Comittm^{t} be succeeded in his said Office by
such Comission or Warrant Officer of our said Shipp Appointed
by our Commissioners for Executing the Office of our high
Admirall of England or by our high Admirall of England for
the time being as by the known practice and disciplin of our
Navy Does and ought next to succeed him as in case of death
sickness or other Ordinary disability happening to the Com-
ander in Cheife of any of our said Shipps of Warr and not
otherwise You standing also Accountable to Vs for the truth
and Importance of the Crimes & Misdemeanours for which
you shall so proceed to the suspending of such our said
Captain or Comander Provided also that all such Disorders
and Misdemeanors Comitted on shoare by any Captain
Comander Lieutenant Master or other Officer Seaman Soldier
or person whatsoever belonging to any of our shipps of Warr
or other vessells Acting by imediate Comission or Warrant
from our Comissioners for Executing the Office of our High
Admirall of England Under the Seale of our Admiralty or
from our High Admirall of England for the time being may
be tryed & punished according to the Laws of the Place
where any such disorder Offences & Misdemeanors shall be
so Comitted on Shore Notwithstanding such Offenders be in
our Actuall service and borne on and in pay on Board any
such our Shipps of Warr or other Vessells Acting by imediate
Comission or Warr from our Comissioners for Executing
the Office of our High Admirall or our High Admirall as
aforesaid so as he shall not Receive any Protection for the
avoiding of Justice for such Offences Comitted on shore from
any pretence of his being Employed in our service at Sea
Wee doe hereby Give you full power & Authority to Appoint
ffaires Marts & Markets as also such & so many Ports Har-
bours Bays Havens & other places for the Convenience and
Security of shipping and for the better Loading & Unloading
of Goods and Merchandizes as by you with the Advice and
Consent of the said Councill shall be thought fit & Necessary p. 8
And in them or any of them to Erect Nominate and Appoint
Custom houses Warehouses & Officers Relating therevnto
And them to alter Change or displace from time to time as

Lib. H. D. with the Advice aforesaid shall be thought fit Wee doe further by these presents Will Require and Comand you to take all possible Care for the discountenance of Vice & Encouragement of Virtue and good living that by such Examples the Infidells may be invited & desire to partake of the Christian Religion And Wee doe hereby Require and Comand all Officers & Ministers Civill & Military and all other Inhabitants of our said Province and Territory to be obedient Ayding and assisting Unto you the said ffrancis Nicholson in the Execucon of this our Comission and of the powers and Authorities therein contained And in Case of your death or absence out of our said Province to be obedient Ayding and assisting vnto such person as shall be Appointed by vs to be Comander in Cheife To whome Wee doe therefore by these presents Give and Grant all and singular the powers and Authorityes aforesaid to be Executed & Enjoyed by him during our pleasure or vntill your Arrivall within our said Province of Maryland Provided alwayes that Nothing herein Contained shall be Construed or taken to Diminish or alter the powers formerly Granted to our Trusty & well beloved S^r^ Edmund Andros Knight by our Comission Unto him bearing Date the third day of March One thousand six hundred ninety one in the ffourth yeare of our Reigne But that the said S^r^ Edmund Andros vpon the death or absence from America of you the said ffrancis Nicholson shall take vpon him the Cheife Comand of our said province and Execute the powers of this our Comission as Wee doe hereby likewise Will and Comand that our Comission bearing Date the ffourteenth day of November in the first yeare of our Reigne constituting you our Lieutenant Governor of our Dominion and Colony of Virginia doe Cease & Determine from the Date of these presents Except vpon the Death or absence from America of the said S^r^ Edmond Andros In which Case Our Will & Pleasure is that you take vpon you the Cheife Comand of our said Dominion and Execute the Powers of our Comission Given to the said S^r^ Edmund Andros Untill our Pleasure be knowne And if vpon the death or absence of you the said ffrancis Nicholson out of our said Province of Maryland there be noe person Comissionated or Appointed by vs to be Comander in Cheife of our said province Our Will and Pleasure is that the then present Councill of that our Province Doe take vpon them the Administracon of the Governm^t^ and Execute this Comission and the severall powers & Authorityes therein
p. 9 Contained And that the first Councellor whoe shall be at the time of your Death or absence Residing within our Province of Maryland Doe Preside in our said Councill with such powers & preheminences as any former president hath Used

and Enjoyed within our said province or any other our Plan- Lib. H. D.
tacōns in America vntill our Pleasure be further knowne or your Arrivall as aforesaid Lastly Wee doe hereby Declare Ordaine and Appoint that you the said ffrancis Nicholson shall & may hold Execute & Enjoy the Office & place of Captain Generall and Governor in Cheife in and over our province & Territory of Maryland together with all and singular the Powers & Authorityes hereby Granted vnto you for & during Our Will & pleasure In Witness whereof We have Caused these our Letters to be made Patents Witness our Selves at Westminister the Tenth day of ffebruary in the ffifth yeare of our Reigne.

E: Bute

Per Breve de Privato Sigillo.

Afterwards Produced their Ma^ties^ Cōmission Under the Seale of the High Court of Admiralty in England Dated the Whitehall
ffifth day of March Anno 1693, Giveing ample power and Jurisdiction vnto the aforenamed ffrancis Nicholson Esq to Exercise Vse and Enjoy the Authority & Right of a Vice Admirall here within all the Limits & precints of the aforesaid Province.

The Cōmission Runes in these following Words, Viz^t^

Governor Nicholsons Cōmission of Vice Admirall

Gulielmus & Maria Dei Gratia Angliæ Scotiæ ffranciæ & Hiberniæ Rex & Regina fidei defensores &c^a^ Dilecto nobis ffrancisco Nicholson Armigero Salutem ad Cognoscendum & Procedendum in quibuscunq. Causis Civilibus & Maritimis atq. Querelis Contractibus Delictis seu quasi Delictis Criminibus placitis Debitis Excambiis Computis Chartis partitis Conventionibus Litibus transgressionibus injuriis Extortionibus & Demandis ac Negotiis Civilibus & Maritimis Motis seu Movendis quibuscunq. inter Mercatores aut inter Proprietarios Navium & aliorum Vasorum et Mercatores seu alios quoscunq. cum eisdem Dominis & Proprietariis Navium et Cæterorum Vasorum quorumcunq. infra Jurisdictionem Maritimam Admiralitatis Nostræ Provinciæ et Territorii Nostrorum de Maryland in America Occupatorum vel Vsitatorum seu inter quascunq. alias personas qualitercunq. habitis factis initis seu Con- p. 10
tractis pro aliqua Re Materia Causa vel Negotio seu injuria quacunq. infra Jurisdictionem Nostram Maritimam prædict. expeditis seu expediendis vna cum omnibus et singulis suis incidentibus Emergentibus dependentibus Annexis & connexis Causis quibuscunq. Ubicunq. seu qualitercunq. hujusmodi Causæ querelæ Contractus & alia

Lib. H. D. præmissa supradict. vel eorum aliquod Oriri Celebrari contrahi vel fieri contingat juxta jura Statuta Leges Ordinationes et consuetudines ab Antiquo observatas audiendum et terminandum Ac insuper in Omnibus et singulis querelis contractibus Conventionibus ac Causis et Negotiis Civilibus et Maritimis vltra Mare perficiendis vltrave Mare Contractis qualitercunq. emergentibus seu contingentibus ac etiam in Cæteris Causis et Materiis omnibus et singulis qua Jurisdictionem Maritimam Admiralitatis nostræ prædict. in dictis Provincia et Territorio Nostris de Maryland et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. quovismodo Tangunt seu aliquo Modo concernunt vel ab antiquo pertinere debuerunt aut debent Et generaliter in omnibus et singulis aliis Causis Litibus Criminibus Delictis Excessibus injuriis querelis Maleficiis seu quasi Maleficiis transgressionibus Regratoriis fforstallariis et Negotiis Maritimis quibuscunq. per Loca prædict. infra Jurisdictionem Maritimam Admiralitatis Nostræ provinciæ Territorii Nostrorum de Maryland prædict. per Mare vel aquam aut Ripas seu Littora eorundem qualitercunq. factis Comissis perpetratis aut emergentibus Nec Non ad inquirendum per Sacramentum proborum et legalium hominum de dictis Provincia et Territorio Nostris de Maryland prædict. et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. tam infra Libertates et ffrancheis quam extra Ubilibet Comorantium tam de omnibus et singulis quæ de Jure Statutis Legibus Ordinationibus vel consuetudinibus ab Antique observatis inquiri solent vel deberent quam de Wrecco Maris ac de omnibus et singulis Bonis et Catallis quorumcunq. Proditorum piratarum homicidarum et felonum qualitercunq. infra Jurisdictionem Maritimam Admiralitatis Nostræ provinciæ et Territorii Nostrorum de Maryland prædict. delinquentium ac de bonis Debitis et Catallis Omnium et singulorum Eorum manutenentium Accessariorum consulentium auxiliantium vel assistentium quorumcunq. Atque etiam de Bonis Debitis et Catallis quorumq. personarum ffelonum de se et Cujuslibet Personæ ffelonis de se infra Jurisdictionem Nostram Maritimam prædict. quovismodo seu qualitercunq. ad
p 11 Mortem devenientium Ubicunq. Bona Debita et Catalla hujusmodi aut aliqua parcella Eorundem per Mare Aquam vel Terram in dictis Provincia et Territorio Nostris de Maryland prædict. et partibus Maritimis Eorundem et eisdem adjacentibus quibuscunq. tam infra Libertates et ffrancheis quam extra fuerint inventa seu invenienda forisfacta seu forisfacienda vel Existentia quæcunq. Et etiam de Bonis Debitis et Catallis quarumcunq. aliarum personarum felonum de se et cujuslibet alterius Personæ felonis de se infra Jurisdictionem Nostram Maritimam prædict. Repertis seu Reperiendis contingentibus

quibuscunq. Et præterea tam de Bonis Debitis et Catallis Lib. H. D.
quorumcunq. aliorum proditorum felonum & homicidarum
vbicunq. Locorum delinquentium Ac de bonis debitis & Catallis
eorum Manutenentium Accessariorum consulentium Auxili-
antium vel assistentium quam de bonis Debitis et Catallis
quorumcunq. fugitivorum convictorum Attinctorum damnato-
rum Vtlegatorum Vel in Exigendo pro proditione felonia homi-
cidio vel Murdro seu aliquo alio quocunq. Offenso aut Delicto
qualitercunq. posito sive ponendo Atque etiam de bonis Wavia-
tis fflotson Jetson Lagon Shares Thesauro inveniendo Deodandis
ac de Bonis quorumcunq. aliorum pro derelictis habitis vel
habendis seu Casu fortuito Repertis aut reperiendis vel
qualitercunq. Debitis seu debendis ac de Omnibus aliis
Casualibus tam insuper vel per Mare Littoraq. Crecas aut
Costeras Maris vel partes Maritimas quam insuper vel per
Aquas dulces Portus flumina publica Rivos seu Crecas aut
Loca superinundata quacunq. infra fluxum et Refluxum Maris
seu Aquæ ad plenitudinem aut super Littora vel Ripas alicujus
Eorundem infra Jurisdictionem Nostram Maritimam prædict.
qualitercunq. quandocunq. vel quomodocunq. Emergentibus
contingentibus sive provenientibus quibuscunq. vel Ubicunq.
bona Debita et Catalla hujusmodi aut Cætera præmissa vel
aliqua parcella Eorund. infra Jurisdictionem Nostram Mariti-
mam prædict. Reperiantur aut inveniri seu Reperiri contingerint
Ac insuper de Anchoragiis et Lastagiis seu arenosa Navium
Oneratione et de piscibus Regalibus (Viz^{t}) Sturgeonibus
Ballenis Cetis Porpesiis Delphinis Riggis ac Graspitiis et
generaliter de cæteris Piscibus quibuscunq. magnam sive
ingentem Crassitudinem sive pinguedinem in se habentibus ab
antiquo de Jure vel consuetudine ad Nos quovismodo pertinen
aut spectantibus seu aliquo Modo consuetis Eademq. Wreccum
Maris ac bona Debita et Catalla ac Cætera præmissa omnia et
singula Una cum omnibus et singulis finibus, mulctis, exitibus
forisfacturis Amerciamentis Redemtionibus et Recognitionibus
quibuscunq. forisfactis & forisfaciendis et pœnis pecuniariis
pro transgressionibus Delictis injuriis Extortionibus contempt-
ibus ac aliis Maleficiis quibuscunq. vel pro aliqua Re Materia
seu Causa quacunq. impositis vel inflictis imponendis vel p. 12
infligendis qualitercunq. in dictis Provincia & Territorio Nostris
de Maryland prædict. & partibus Maritimis eorund & eisdem
Adjacentibus quibuscunq. in aliqua Curia Adm^{tis} Nræ ibidem
tenta· seu tenenda præsentatis seu præsentandis assidendis
afferendis forisfaciendis seu Adjudicandis Ac etiam Una cum
Amerciamentis exitibus finibus perquisitis Mulctis et pœnis
pecuniariis quibuscunq. ac forisfacturis quarumcunq. Recog-
nitionum coram Vobis Vestrove Locum tenente Deputato
vel Deputatis in dictis Provincia & Territorio Nostris

Lib. H. D. de Maryland prædict. et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. Audiendis terminandis assignatis seu assignandis contingentibus seu impositis aut imponendis vel infligendis seu aliquo modo assidendis afferendis forisfaciendis seu adjudicandis aut aliquo modo occasione præmissorum Nobis vel Hæredibus seu Successoribus Nostris in ea parte qualitercunq. debitis sive debendis. quibuscunq petendum Exigendum levandum capiendum colligendum recipiendum et obtinendum ac ad Usum Nostrum ac Officii Magni Admiralli Nostri Angliæ prædict. pro tempore existente custodiendum et conservandum Ac insuper Recognitiones Cautiones Obligationes et stipulationes quascunq. tam ad Usum Nostrum quam ad quarumcunq. partium instantium pro Conventionibus seu debitis ac aliis Causis quibuscunq. capiendum Easq. Executioni ponendum et exequi faciendum et Mandandum Nec Non Naves personas Res bona Merces et Mercimonia quæcunq. pro præmissis et eorum quolibet ac aliis Causis quibuscunq. ea concernentibus Ubicunq. locorum per dict. provinciam & Territorium Nostros de Maryland prædict. et partes Maritimas Eorundem & eisdem adjacentes quascunq. infra Libertates et ffrancheiss vel extra fuerint inventa seu reperta Atque etiam pro aliis conventionibus Causis seu Debitis quibuscunq. qualitercunq. contractis sive Emergentibus dum̄odo Bona seu Personæ Debitorum reperiantur infra Jurisdictionem Nostram prædict. juxta Leges Civiles et Maritimas & consuetudines ab antiquo Usitatas realiter arrestandum et Arrestari faciendum et Mandandum Ipsasq. cum suis emergentibus dependentibus incidentibus Annexis et connexis Causis et Negotiis quibuscunq. Una cum cæteris Causis Civilibus et Maritimis atq. querelis contractibus et aliis præmissis omnibus et singulis quibuscunq superius respective expressis juxta Leges et consuetudines prædict. ac aliis viis Modis et Mediis legitimis quibus melius sciveris aut poteris Audiendum examinandum discutiendum & fine debito
p. 13 terminandum ac personas quascunq. in ea parte provt Casus Exiget comparere et respondere cum cujuslibet coertionis temporalis alteriusq. pœnæ et mulctæ potestate juxta Leges et consuetudines prædict. compellendum ac Justitiam faciendum et Ministrandum etiam Juris Ordine Servato seu Velo levato sine strepitu et figura Judicii sola facti & Rei Veritate inspecta procedendum Reosq. et Contemptores Juris seu Jurisdictionis Adm^tis^ Nostræ Violatores Vsurpatores delinquentes & contumaciter absentes Naucleros Marinarios Remiges piscatores Naupegos et alios operarios et expertos quoscunq. Res Nauticas quascunq. exercentes juxta Jura Statuta Leges Ordinationes consuetudines ab antiquo observatas, Mulctandum corrigendum puniendum castigandum et Reformandum ac in qui-

buscunq. carceribus infra Provinciam et Territorium Nostros de Lib. H. D.
Maryland prædict. existentibus incarcerandum et incarcerari faciendum et Mandandum Incarceratosq. quoscunq. in ea parte qui deliberandi fuerint deliberandum et penitus exonerandum et exonerari faciendum et Mandandum fluminaq. publica Portus Rivos aquas dulces ac Crecas quascunq. infra Jurisdictionem Nostram Maritimam prædict. Ubicunq. Locorum dictis Provincia et Territorio Nostris de Maryland prædict. et partibus Maritimis eorundem & eisdem adjacentibus quibuscunq. existunt pro conservatione tam Classis Nostræ ac Classium et Navigiorum Regnorum & Dominiorum Nostrorum prædict. quam piscium in eisdem fluminibus & locis prædict. crescentium quorumcunq. Nec non Jura Statuta Leges Ordinationes & consuetudines ab antiquo observatas in dictis Provincia & Territorio Nostris de Maryland prædict. et partibus Maritimis Eorundem et eisdem adjacentibus quibuscunq. conservandum et Exequi et conservari faciendum Omniaq. & singula alia faciendum exercendum expediendum & Exequendum in præmissis & eorum quolibet provt de Jure et secundum Leges & Statuta Ordinationes & consuetudines prædict. fuerit faciendū Ac insuper Retia Minus stricta ac alia ingenia sive instrumenta quæcunq. illicita circa prensionem piscivm Ubicunq. Locorum per Mare aut flumina publica Portus Rivos Aquas dulces seu Crecas quæcunq. per Provinciam & Territoriam Nostros de Maryland prædict & partes Maritimas eorundem et eisdem adjacentes quascunq. infra Jurisdictionem Nostram prædict. Ubicunq. Locorum per aquam occupata sive exercitata et Exercitatores et Occupatores eorundem juxta Jura Statuta Leges Ordinationes & consuetudines prædict puniendum corrigendum et reformandum Sententiasq. & Decreta quacunq. fulminandum promulgandum et interponendum eaq. Executioni demandandum cum cognitione et Jurisdictione quarumcunq. aliarum Causarum Civilium et Maritimarum quæ sunt Maris seu quæ Mare vel Maris per transitum sive passagium aut iter Navale sive viagium Maritimum vel Juris- p. 14
dictionem nostram Maritimam supradictam seu Loca vel Limites Admiralitatis Nostræ prædict. et cognitionem antedictam ac alia quæcunq. expedita vel expedienda quovismodo concernunt seu respiciunt Etiam cum potestate procedendi in eisdem juxta Jura Statuta Leges Ordinationes ac consuetudines prædict. ab antiquo Usitatas tam ex Officio mero mixto vel promoto quam ad alicujus partis instantiam provt Casus exiget et expediens Visum fuerit ac etiam cum cognitione & decisione de Wrecco Maris magno seu parvo ac de Morte submersione et Visu Corporum Mortuarum quarumcunq. personarum in Mari vel fluminibus publicis portubus Aquis dulcibus seu Crecis quibuscunq. infra fluxum Maris et

Lib. H. D. aquæ ad plenitudinem per dict. provinciam & Territorium Nostros de Maryland prædict. et partes Maritimas eorundem et eisdem adjacentes quascunq. vel alibi infra Jurisdictionem Nostram prædict. qualitercunq. interfectarum sive submersarum aut interficiendarum seu submergendarum sive murderatarum vel murderandarum aut aliquo alio modo ibidem ad Mortem devenientium Una cum cognitione de Mahemio in Locis prædict. infra Jurisdictionem Nostram Maritimam prædict. ac fluxum Maris & aquæ ibidem contingentis cum potestate etiam puniendi Delinquentes in ea parte quoscunq. Juxta Juris exigentiam et consuetudines prædict. Cæteraq. Omnia et singula qua in præmissis tantum et circa ea Necessaria fuerint seu quomodolibet opportuna juxta et secundum Jura Statuta Leges Ordinationes et consuetudines prædict. faciendum Exercendum expediendum et exequendum Tibi de cujus fidelitate et circumspectionis industria plurimum in hac parte confidimus Vires & Auctoritatem Nostras in et per Provinciam & Territorium Nostros de Maryland prædict. et partes Maritimas Eorundem et eisdem adjacentes quascunq. atq. etiam per omnia & singula Littora Maris fluminisq. publica portus Aquas dulces Rivos Crecas ac Brachia tam Maris quam fluminum & Costeras quascunq. dict. provinciæ et Territorii Nostrorum de Maryland prædict. et partium Maritimarum eorundem & eisdem adjacentium quarumcunq. infra Libertates et francheis ac extra Comittimus per præsentes ac concedimus cum potestate alium vel alios Deputatum vel Deputatos quoties tibi Expediens Visum fuerit Loco tuo in præmissis Deputandi et surrogandi ac etiam cum potestate quoscunq. alios Officiarios & Ministros pro dicto Officio et Exercitio ejusdem in dictis Provincia & Territorio Nostris de Maryland prædict. et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. sub te Necessarios idoneos et opportunos de tempore in tempus Nominandi perficiendi Ordinandi assignandi faciendi et constituendi Salvo semper Jure supremæ Curiæ Admtis Nostræ Angliæ Necnon
p. 15 Judicis et Registrarii ejusdem Curiæ quibus et eorum alteri in aliquo Nolumus derogare per præsentes et Salvo Jure cujuscunq. læsi & Gravati per aliquam Sententiam definitivam sive Decretum interlocutorium in Curia Vice Admiralitatis Provinciæ Territorii Nostrorum de Maryland prædict. ferendum ad Supremam Curiam Admiralitatis Nostræ Angliæ prædict. appellandi Teq. præfatum ffranciscum Nicholson Armig. Vice admirallum Comissariumq. ac Deputatem Nostrum in Officio Vice Admtis in Provincia & Territorio Nostris de Maryland prædict et partibus Maritimis Eorundem & eisdem adjacentibus Una cum omnibus & singulis feodis proficiis Advantagiis Emolumentis Comoditatibus et pertinentiis quibuscunq. eidem

Officio Vice Admiralli Comissarii et Deputati in Provincia & Territorio Nostris de Maryland prædict. et partibus Maritimis Eorundem et eisdem adjacentibus quibuscunq. juxta Ordinationes & Statuta Supremæ Curiæ Admtis Nostræ Angliæ prædict debitis et spectantibus Ordinamus perficimus et deputamus per Præsentes ad Beneplacitum Nostrum tantummodo duratur—Proviso tamen semper et Sub hac Lege et conditione quod si Tu præfatus ffranciscus Nicholson Armiger et locum tenentem Nostrum supremæ Curiæ Admiralitatis Nostræ Angliæ et in dicta curia et officialem Principalem Commissariumq. Generalem et specialem ac ejusdem Curiæ præsidentem Judicem de omni eo quod de tempore in tempus Vigore præsentium feceris et executus fueris colligeris aut reciperis in præmissis vel præmissorum aliquo Annuatim (Vizt) in fine cujuslibet Anni inter ffesta St Michaelis Archangeli et omnium Sanctorum cum pleno et fideli Computo tuo superinde sub Authentica forma conficiendo ac Sigillo Officii Nostri in custodia tua remanente Sigillando debite non Certificaveris et certiorem reddi feceris cum effectu si ad id Requisitus fueris extunc et Post Defaltam in ea parte hujusmodi Literæ Nostræ Patentes de Officio Vice-Admiralli prædict. Tibi vt præfertur concessæ Vacuæ et irritæ erunt Nulliusq. Roboris et effectus Mandamus Omnibus et singulis Proceribus Justitiariis Majoribus Vice-Comitibus Capitaneis Seneschallis Ballivis et Custodibus Gaolarum & Carcerum Nostrorum quorumcunq. et Constabulariis Cæterisq. Ministris et fidelibus Subditis et Ligeris Nostris quibuscunq. et eorum cuilibet tam infra Libertates & ffrancheiss quam extra quod Tibi et Deputato tuo cuicunq. aliisq. Officiariis ejusdem Vice-Admtis Nostræ in Provincia et Territorio Nostris de Maryland prædict. et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. per te Assignatis seu assignandis circa Executionem Præmissorum et Eorum cujuslibet intendentes faventes auxiliantes parentes pariter & Obedientes sint in Omnibus provt decet sub pœna Juris et periculo incumben., Datum Londini in Suprema Curia Admiralitatis Nostræ Angliæ prædict. sub Sigillo Ejusdem Magno Quinto die Mensis Martii Anno Domini (stylo Angliæ) 1693 Regniq. Nostri Sexto. Orlando Gee Regr

Lib. H. D.

p. 16

His Excellency asked the Board which was the Usuall way of publishing the Kings Comission, who made Answer that it was Usually done in the Councill Chamber, at the Provinciall Court and Assembly. Whitehall

Then his Excellency was pleased to acquaint the Board what Gentlemen were now Ordered and Appointed to be of their Mats Councill within the said Province, whose Names were Read Unto them as follows, Vizt Sr Thomas Laurence

Lib. H. D. Coll Henry Jowles Coll George Robotham Coll Nicholas Greenberry Thomas Tench Esq^r^ Coll Charles Hutchins Coll David Browne Cap^t^ John Addison Cap^t^ John Courts Thomas Brooke Esq^r^ James ffrisby Esq^r^ It being late in the Evening his Ex^ncy^ thought fit to suspend the swearing of the Councill Untill the next Morning and soe

Adjourned till to Morrow Morning Seaven a Clock.

July 27^th^ 1694.

The Councill Mett & Satt and were p^r^sent as Yesterday

His Ex^ncies^ Comission for this Governm^t^ was distinctly Read over and Ordered to be Recorded Vid. ffol 1.

The Oaths Appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy were administred in Councill vnto his Excellency as likewise the Oath of Trade & Navigation.

The Oath taken by Coll ffrancis Nicholson Governor of Maryland

You shall swear that you will to the best of your skill and power so long as you shall continue in the Governm^t^ and Comand of Maryland well & truly Execute and performe and
p. 17 cause to be Executed and performed all Matters and things which by the Statute made in the 12^th^ year of his late Ma^ty^ King Charles the second his Reigne Entituled an Act for the Encourageing and increasing of Shipping and Navigation; and by the other Statute made in the 15^th^ year of his said Ma^ties^ Reigne, Entituled an Act for the Encouragem^t^ of Trade, You are Required as Governor or Comander in Cheif of this Plantation to be sworne to the performance of.

So help you God

Whitehall His Ex^ncy^ being acquainted by the Board that there was another Oath besides, Usually taken by the Governors of this Province, did therevpon demand to know if any Law of the Countrey had prescribed the same, the which not appearing his Ex^ncy^ was pleased to tell them he did not thinke himself obliedged to take any other Oath then what their Ma^ts^ afores^d^ Comission to him had directed and Appointed.

Councillors Sworne. The severall Members of the Councill now present tooke likewise the Oaths appointed by Act of
Whitehall Parliament to be taken instead of the Oaths of Allegiance & Supremacy as also the Usuall Oath of Councillor Afterwards, his Ex^ncy^ and the severall Members of their Ma^ts^ hono^ble^ Councill this day present, subscribed to the Test in manner following; Viz^t^

At the City of S^{t} Maries, July 27th 1694 Lib. H. D.
Maryland ss.

The Test &c^{a} Wee the Subscribers doe declare that Wee doe believe that there is not any Transubstantiation in the Sacrament of the Lords Supper or in the Elements of bread & Wine at or after the consecration thereof by any person whatsoever.

His Ex^{ncy} & the first Nine Councillors subscribed 27th of July

ffr Nicholson
Thomas Laurence
Hen: Jowles
Geo: Robotham
Nich: Greenberry
Thomas Tench
John Addison
John Courts
Tho: Brooke
James ffrisby

Henry Denton sworne Clerk of the Councill

Then was Henry Denton sworne Clerk of their p. 18
Ma^{ts} Hono^{ble} Councill of this Province Produced by
his Ex^{ncy} to the Board the severall Orders tending to
the obtaining the aforementioned Comission before Whitehall
the same passed the Great Seale, the which were Ordered to be likewise Entered in the Journall of the Councill and are as follow, Viz^{t}

At the Court at Whitehall
the 28th of December 1693.

Present

The Kings most Excellent Ma^{ty} in Councill

Ord^{r} for prepareing Coll Nicholsons Comission and Instructions for the Governm^{t} of Maryland

The Right Hono^{ble} the Lords of the Comittee of
Trade and Plantacons having humbly Recomended
Colonel ffrancis Nicholson to be Governor in Cheife
of the Province of Maryland in the place of Colonell
Copley lately deceased: His Ma^{ty} in Councill was
this day pleased to Nominate the said Coll Nicholson
to be Governor in Chiefe of the s^{d} Province and to
direct, that the said Comittee doe Give Order for preparing
forthwith his Comission & Instructions accordingly

W^{m} Bridgeman,

At the Court at Whitehall
the 18th Jan^{ry} 1693

Present

The Kings most Excellent Ma^{ty} in Councill.

Lib. H. D. Ordr for preparing draught of Coll Nicholsons Comission ready for the Kings signiture p. 19

The draught of a Comission presented by the Rt honoble the Lords of the Comittee of Trade and Plantacons constituting and Appointing ffrancis Nicholson Esqr Capt Genll & Governour in Chief of Maryland in America having been this day Approved at the Board: His Maty in Councill is therevpon pleased to Order as it is hereby Ordered that the Right Honoble Sr John Trenchard Knt principall Secretary of State Doe Cause the said Draught to be prepared for his Mats Royal Signiture in Order to pass the Great Seale

Rich Colinge

At the Court at Whitehall
the 15th of March 1693

Present

The Kings most Excellent Maty in Councill.

Oath taken by Coll Nicholson Govr of Maryland

His Maty having been graciously pleased to constitute Colonel ffrancis Nicholson to be their Matys Captain Generall and Governor in Chief of Maryland in America, The said Coll Nicholson, this day at the Board tooke the Oath appointed by the Acts of Trade and Navigation to be taken by the respective Governors of their Mats Plantations,

Wm Bridgeman.

Whitehall

The Commission of Vice-Admirall read, Ordered to be likewise Recorded Vide ffol 9.

The following Papers doe Relate to his Excncies obtaining his Comission of Vice-Admirall &ca

I do hereby Certify that a Comission is passing Under the Great Seale of England, Constituting Coll ffrancis Nicholson Capt Generall and Governor in Chief of their Mats Province and Territory of Maryland in America,

Councill Chamber the 8th Janry 1693.

Wm Blathwayt

By the Comissioners for Executing the Office of Lord High Admirall of England Ireland &ca

p. 20 Comissionrs of the Admiralty's Warrant for issuing Coll Nicholsons Comission of Vice-Admirall &ca

Whereas Request has been made Unto Vs by ffrancis Nicholson Esqr Captain Generall and Governor in Chief in and over their Mats Province and Territory of Maryland in America that he may hold the place of Vice-Admirall of the Province and Territory of Maryland in America Which have thought fit according to the Power Given Vs by their Mats Commission vnder the Great Seal of England to Grant—

These are therefore to direct & Require you to Cause Letters Lib. H. D.
Patents of the Vice-Admiralty of the Province and Territory of Maryland in America to be issued out of the High Court of Admiralty in their Ma^ts^ Names to the said ffrancis Nicholson Esq^r^ to continue Untill further Order in as large and ample manner as the same has been formerly Granted to any others or according to the Usuall forme of Letters Patents Granted to Vice-Admiralls in England with power to Ordain and appoint his Deputies and Under Officers and with Proviso that just Account be made every yeare and in default the said Letters Patents to cease and determine ffor which this shall be your Warrant Dated at the Admiralty Office this 19^th^ day of ffeb^ry^ 1693/4

To S^r^ Charles Hedges Kn^t^
Judge of the High Court
of Admiralty.

J Lowther
H. Priestman
Robt Austen
Ro. Rich

By Com^d^ of the Com^rs^
J Sotherne

ffor Coll Nicholson Governor of Maryland, These

Adm^ty^ Office 19^th^ March 1693/4

S^r^

The R^t^ Hono^ble^ Com^rs^ of the Adm^ty^ Comand me to acquaint you that they desire to speake with you here this Evening about six of the Clock, I am p. 21

S^r^

your most humble Servant,
J Sotherne

Colonel Nicholson Govern^r^ of Maryland.

The following Papers doe Relate to His Ex^ncy^ Coll Nicholson's being Constituted Attorney for his Grace the Duke Schonburgh and Leinster to Receive & take into his possession all Wrecks &c^a^ within the Limits of this Province for his said Grace's Use.

To

His Excellency ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ & Governor in Chief of their Ma^ties^ Province of Maryland

S^r^

His Grace the Duke of Schonburg & Leinster's Lre to Govr Nicholson

It is now about a yeare since his Ma^ty^ was pleased to Grant me his Letters Patents for all Wrecks, Derelicts &c^a^ Between the Latitudes of Twelve Degrees South and fforty Degrees North for Twenty years, for the securing of which and for the settlement of due Correspondencies I have made and appointed

Lib. H. D. Trustees and Agents who have already Used severall Methods of Discovery and also considered that it is necessary (for preventing any disputes that may happen between the persons imployed by them & other Discoverers, Coasters or any others) That their Ma^ts^ abovesaid Letters Patents be Inrolled in the severall Governm^ts^ belonging to the Crowne of England that are comprehended within the Limits of the said Grant. In Order wherevnto I have by their advice Intrusted
my Agent and Attorney for this Affaire and have transmitted Unto him a Duplicate of the said Grant for its Inrollm^t^ in the Records of the Government of
And pray your countenance and assistance of him the said in pursuance of the Rights & profits Granted to me therein that their Ma^ts^ intended favour may not be diverted nor avoided.

I have directed my said Agent at all times to Give me or my Trustees an Accompt of your Ex^ncies^ favour & Regard towards him that I may acknowledge the same and wherein I
p. 22 may be any ways serviceable to their Ma^ts^ Province vnder your care or to your Self you may Rely on

S^r^ Yo^r^ humble Servant
Schonburg & Leinster

S^r^

His Grace having Comunicated this inclosed Letter to the Govern^r^ of Maryland—Unto Vs his Trustees in the abovesaid Affaire hath desired Us to acquaint you that Wee shall at all times hold Correspondence with you and Receive your Letters & informations for the advantage of his Grace and others concerned. And Wee doe further acquaint you that Wee have Agreed to allow to your Self and others imployed by you out of any Wreck, Derelict &c^a^ that you or they shall Discover, seize and secure one Tenth part of the clear profits thereof for your Encouragement in this service. You may at all times Direct your Letters for Vs to S^r^ James Houblons of this City Kn^t^ S^r^

London, March 22^th^ 1693/4

Yo^r^ humble Servants
Ja Houblon
Hi. Scardevile
J: Hooke

His Ex^ncy^ Coll Nicholsons Letter of Attorney from his Grace the Duke of Schonburg & Leinster &c^a^

To all to whome these Presents shall Come Greeting Know Yee that Whereas their present Ma^ts^ King William & Queen Mary did by their Grant vnder the Great Seal of England Bearing Date the tenth day of March one thousand six hundred ninety two Grant vnto Mainhardt Duke of Leinster (now Duke of Schonburg and Leinster) his Executors Administrators & Assignes all and Every such Wrecks Jet-

sam ffloatsam lagan Goods Derelicts Riches Bullion Plate Lib. H. D.
Gold silver Coyn Barrs or piggs of silver ingots of Gold
Merchandizes and other Goods & Chattells whatsoever which
at any time or times then-to fore had been or at any time or
times then after should be left cast away Wreckt or lost in or p. 23
Upon any of the Rocks shelves Shoales Seas Rivers or
Bancks in America between the Latitude of Twelve Degrees
South and fforty Degrees North And which at any time or
times within twenty years next after the Date of the said
Indenture should be taken vp gotten or Recovered by him the
said Mainhardt Duke of Leinster his Executors Administrators
or Assignes or his or their Agents or Substitutes as by the
said Grant may more fully appear now Know Yee that the said
Mainhardt Duke of Schonburg & Leinster and Wee S^{r} James
Houblon Knight and Alderman of the City of London Henry
Scardevile Dean of Cloyn in the Kingdom of Ireland and John
Hooke of Grayes Inn in the County of Middlesex Esq^{r} Trus-
tees created by the said Duke for Management of the Affaires
aforesaid by Indenture Under his hand & Seale bearing Date
the twenty first day of June last past have made appointed
constituted & Ordained and by these presents doe make
Appoint constitute & Ordaine the Hono^{ble} ffrancis Nicholson
of the City of London Esq^{r} our Attorney Deputy & Agent
within the Province of Maryland and all the Limits & Bound-
aries vpon the Sea Coasts of the s^{d} Provincé of Maryland for
Us and in our Names and for our Vse to Seize & take into
his possession all wrecks and premisses before mentioned in
the above recited Grant (and thereout to Reinburse himself all
such Charges and disbursements as he shall be at in and
about the same together with such Allowance as Wee have
Given by our Letter to him Dated the twenty second day of
March instant) which at any time heretofore or at any time or
times hereafter during the continuance of these presents have
shall or may be left cast away wreckt or lost in or vpon any of
the Rocks, shelves, shoales Seas Rivers or Bancks within or
neare all or any of the Limits or Boundaries of the said Prov-
ince of Maryland And the same or any part or parcell thereof
so seized and secured for Vs and to our Use and advantage
to deteyne and keep or sell and dispose thereof as to him
shall seem most meet & convenient & thereout Reinburse
himself as aforesaid And in case of any denyall obstruction or p. 24
opposicon in the lawfull Execucon of all or any of the Powers
and Authorities hereby Given and Granted to Sue Implead
and Imprison all & every person & persons whatsoever that
shall detain possess dispose purloyn or imbeazle any of such
Wrecks and premisses before particularly mentioned so
belonging to Us or either of Us by virtue of the said Grant or

Lib. H. D. Indenture from their Ma^ties^ as aforesaid Giveing and by these presents Granting Unto our said Attorney our full power and lawfull & absolute Authority in the Execucon and performance of all and singular the premisses afores^d^ and one or more Attorney or Attorneys Deputies or Agents Servant & Servants vnder him for the purpose afore^d^ or any of them to make constitute and Appoint and at his pleasure to Revoke and generally to doe Accomplish determine and Execute all and every such future and other lawfull & reasonable Act & Acts thing & things device & devices whatsoever for Us and to our Use & in our Name and stead in and about the premisses aforesaid or any of them as to our said Attorney shall from time to time seem meet and that as fully and amply in all respects as Wee our Selves might or could doe were Wee personally present Ratifyeing and allowing for firme & effectuall all and whatsoever our said Attorney shall lawfully doe or Cause to be done in our Names and to our Use in pursuance of these presents In Wittness whereof I the said Mainhardt Duke of Schonburg & Leinster and Wee the said S^r^ James Houblon Henry Scardevile & John Hooke have herevnto Set our hands & Seales the twenty Eighth day of March in the Sixth year of the Reign of our Soveraign Lord & Lady William and Mary by the Grace of God of England Scotland ffrance & Ireland King & Queen defenders of the ffaith &c^a^ Annoq. Domini 1694.

Sealed & Delivered in the presence of Vs
W^m^ Thompson
Edw^d^ Stanton
Sam^ll^ Briggs

Schonburg & Leinster [Seale]

Sealed & delivered by his Grace the Duke of Schonburg in the presence of
Kapon./John ffraignean

Ja: Houblon [Seale]
Hen: Scardevile [Seale]
J: Hooke [Seale]

p. 25 Ord^r^ for Continuance of Officers &c^a^ Whitehall

Ordered that Proclamation be forthwith prepared according to Usuall Custom & forme to publish & declare that the Governm^t^ of this their Ma^ts^ Province is by their Ma^ts^ Royall Comission vnder the Broad Seale of England comitted and delivered Unto the Conduct & Charge of his Ex^ncy^ ffrancis Nicholson Esq^r^ therein & thereby comanding all Officers Civill & Military to continue in their severall stations & places Untill further Orders; which issued accordingly as follows

Lib. H. D.

By his Excellency
A
Proclamation

Proclamation declaring Coll Nicholson Governor of Maryland & for Cont of Officers &c[a]

Whereas Upon the death of his Ex[ncy] Lionell Copley Esq[r] their Ma[ts] late Cap[t] Generall and Governor in Chief in and over this their Province of Maryland the Chief Comand & Governm[t] of the said Province is (by their Ma[ts] Royall Comission, bearing Date the Tenth day of ffeb[ry] in the ffifth year of their Reign vnder the great Seale of England) Comitted to the charge & Conduct of me ffrancis Nicholson; the which said Comission being Produced and Read to and by their Ma[ts] Councill of this Province this day in Counciil siting; I have (by & with the advice of the said Councill, vpon my Accession to the Command & Governm[t] aforesaid) thought fit to proclame and declare, and doe hereby publish and make knowne that all and singular their Ma[ts] Magistrates, Ministers and Officers Civill & Military within this Province are and doe stand and Remaine continued & confirmed in their Respective places and Offices aforesaid Untill further Orders hereby streightly Chargeing and Commanding them and Every of them respectively to Execute and performe the Duty of their respective places & Offices aforesaid as formerly they have or ought to have done; willing also and comanding all and singular their Ma[ts] loving Subjects of the said Province and all others whom it may concern to take due Notice hereof and yield all ready obedience therevnto as they will Answer the contrary at their perills; To which End I doe streightly Charge & Comand all and singular the Sheriffes of the respective Counties of this Province to make publick Proclamacon hereof in the most publick and convenient places within their Respective Counties

Given at the City of S[t] Maries the 27[th] day of July Anno Domini, 1694 in the ffifth year of the Reign of our Soveraign Lord & Lady King William & Queen Mary God Save King William & Queen Mary

His Ex[ncie] Demands how the State of the Governm[t] at present lyes

His Excellency was pleased to propound to the Board that they would signifye to him in what condition and vnder what Circumstances the severall Affaires of this Province now lay vnder, Viz[t] as to Ecclesiasticall Civill and Military Affaires; And that they would give an Account of the publick Revenue belonging to the Province; as likewise in what Circumstances the Countrey is in as to the Neighbouring Colonies adjoyning hereto. Whitehall

Lib. H. D.

July the 30th 1694

State of the constitution of the Governm[t] of Maryland, Viz[t] as to Ecclesiasticall, Civill & Military Affaires, delivered to his Ex[ncy] Coll ffrancis Nicholson by the Members of the Councill at the Board as follows

State of S[t] Maries County

State of St Maries County &ca

St Maries County is divided into two parishes, which both contain about One thousand Tythables; One Church built at S[t] Georges, and another goeing forward to be built nigh Cap[t] Coods of which he takes care. Noe Minister inducted but M[r] Crawford at present Officiating. A Glebe at S[t] Georges of 300 Acres Rented at 2000[l] [tob] p Annum

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Military Officers

Maj[r] John Cambell
Cap[t] Thomas Waughop, Cap[t] John Bayne } of Troopes of horse.
Cap[t] John Dent, Cap[t] Edward Greenhalgh } of ffoot.
a Colonell wanting

Provinciall Court Justices.

S[r] Thomas Laurence Baron[t] President

Coll Nich[o] Greenberry, Coll Charles Hutchins, Coll David Browne, Thomas Tench Esq[r], Cap[t] John Addison, Thomas Brooke Esq[r], Maj[r] Rob[t] King, M[r] John Watson } Justices

M[r] Kenelm Cheseldyn
Comissary Gen[ll] of the Province } Henry Wriothesley Clerk.
M[r] John Bony his Clerk. } John Winckall Cryer.

Comissioners for S[t] Maries County.

Cap[t] John Dent, M[r] Richard Cloud, Cap[t] Edward Greenhalgh, M[r] Philip Brisco, Cap[t] John Bayne, Cap[t] Thomas Waughop, M[r] John Lowe, M[r] Benjamin Hall

Cap[t] John Cood appointed Sherriffe

M[r] John Watson, Cap[t] Tho: Waughop, Cap[t] Tho: Attoway } Coroners.

M[r] Sam[ll] Watkins Clerk of the Indictm[ts]
Henry Denton Clerk of the County Court.

ffour Prisoners condemned lyeing in the Custody of the Sherriffe of S[t] Maries County, Viz[t] W[m] Burley & George Mason being for Murther of M[r] Payne a Welchman for Murthering of her Bastard Child; the which being Read it was Ordered that the Sff: of S[t] Maries County be sent for to Give an Acco[t] vnder what Circumstances the said Prisoners are now in. Lib. H. D.

State of Kent County p. 28

State of Kent County &c[a] Kent County has Two parishes, one Church built and another laid out to be built; but noe Minister.

Com̄issioners &c[a]

M[r] Hans Hanson
M[r] Elias King
M[r] Daniell Norris, appointed Sheriffe
M[r] Edward Swetnam.

Gentlemen Recommended to be aded.

Coll S[t] Leger Codd, M[r] W[m] ffrisby, M[r] John Coppage, M[r] John Hinson } M[r] Thomas Smith, M[r] Philip Conner, M[r] Thomas Ringold

M[r] Daniel Norris, M[r] John Coppage } Coroners; but M[r] Norris being appointed Sff M[r] Thomas Smith is to be Coron[r] in his stead.

M[r] Charles Hinson Clerk of the County.
Militia Officers none at present Com̄issionated.

Gentlemen Recom̄ended,

Coll S[t] Leger Codd for Colonel
M[r] John Hinson for Major,
M[r] Hans Hanson Cap[t] for Troope of horse
M[r] John Coppage vpon the Island for Captain of ffoot.

State of Ann-Arrundell County.

State of Ann-Arrundell County &c[a] Ann-Arrundell County has ffour Parishes laid out, but noe Churches built nor noe Minister.

Com̄issioners &c[a]

Sheriffe now appointed— Cap[t] John Hammond, Maj[r] Henry Ridgeley, Cap[t] W[m] Holland, M[r] James Saunders } M[r] Sam[ll] Young, Cap[t] Jn[o] Worthington, M[r] Henry Constable, Cap[t] Nich[o] Gassoway, M[r] Abell Browne

Lib. H. D. p. 29

Coroners for Ann-Arrundell County

Capt John Worthington
Mr Thomas Odell
Mr Thomas Hewes.

Mr Henry Bonner Deptv Comissary & Clerk of the Indictmts

Mr Thomas Brisco Clerk of the County.

Military Officers.

Colonell Nicholas Greenberry Colonel

Capt John Hammond
Capt John Worthington } of Troopes of horse
Capt Robt Lockwood

Majr Henry Ridgeley
Capt Nicho Gassoway
Capt Humphrey Boone } of the ffoot.
Capt Wm Holland

State of Calvert County.

State of Calvert County &ca

Calvert County has ffive parishes laid out, Three whereof have Churches built, but noe Ministers.

Commissioners &ca.

Mr Thomas Tasker
Mr Thomas Greenfeild
Mr Thomas Holliday
Capt John Bigger
Mr ffrancis Hutchins

Mr Wm Parker appointed Sheriffe
Capt Henry Mitchell
Mr James Keech
Mr ffrancis ffreeman
Mr John Sellers

Mr Thomas Greenfield
Mr Hugh Ellis
Mr John Hollins } Coronrs

Mr Samues Watkins Clerk of the Indictmts

Joshua Cæcill Deptv Clerk

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Military Officers.

Coll Ninian Beale Colonel
Mr Thomas Holliday Capt Lieutent vnder Coll Beale
Capt James Keech
Capt John Bigger
Capt Henry Mitchell
Capt James Bigger
Capt Thomas Parslow deceased
Capt Richard Brightwell, horse.

State of Charles County Lib. H. D.

State of Charles County &c[a]

Charles County has ffour Parishes laid out, Viz[t]

W[m] & Mary, which has a Church built
Portobacco, which has a Church built
Nanzemie, which has a Church building
Pescattaway, which has a Church agreed for Vestry Men in Every Parish
} all Want Minist[rs]

Commissioners &c[a]

M[r] W[m] Barton
M[r] Henry Hawkins
M[r] Rand[o] Hinson
M[r] James Smalwood
Cap[t] Philip Hoskins
M[r] Rob[t] Yeats
M[r] W[m] Howton
M[r] W[m] Hutchison
M[r] Jos: Maning

Appointed Sherriffe is—M[r] W[m] Howton, M[r] John Stone, M[r] W[m] Hatton } Coron[rs]

Cap[t] William Dent Clerk of the Indictm[ts]

M[r] Cleybourn Lomax Clerk of the County & Dep[ty] Com̄issary.

Military Officers.

Coll Humphrey Warren Colonel
Maj[r] James Smallwood, Maj[r]
Cap[t] Philip Hoskins
Cap[t] W[m] Dent
} of the ffoot.

Cap[t] John Addison
Cap[t] John Courts
} of Troopes of horse. p. 31

As to what publick Armes are in the County, all or most of them want fixing.

State of Baltemore County

State of Baltemore County &c[a]

Baltemore County Com̄ission[rs] Viz[t]

M[r] George Ashman
Maj[r] John Thomas, now appointed Sherriff.

Cap[t] Thomas Richardson
Cap[t] James Maxwell
Cap[t] James Philips
M[r] fferry
M[r] W[m] Hollis
} M[r] Thomas Hedge Clerk.

M[r] Thomas Smith Clerk of the Indictm[ts]

Lib. H. D.

Military Officers

Coll Nicholas Greenberry, Colonel
Capt Thomas Richardson
Capt Thomas Hammond } of Troops of horse

Majr John Thomas
Capt James Maxwell
Capt James Philips } of the ffoot.

What Parishes laid out Unknowne.

State of Somerset County.

State of Somerset County &ca

Somerset County has ffour Parishes laid out, but never a Church.

Mr John Hewet, a Clergy Man.
Mr Samll Davis
Mr Thomas Wilson } Non conformists.

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Military Officers.

Coll David Browne Coll
Majr Robert King Major
Capt John Winder
Capt John King
Capt Charles Ratcliffe } of Troops of Horse

Capt Wm Colebourn
Capt Benj: Saucer
Capt Wm Whittington
Capt Arnold Elzey } of the ffoot.

Commissioners &ca

Mr ffrancis Jenckins
Capt John Winder
Mr James Dashiel
Mr Roger Woolford
Capt Wm Whittington } of the Quorum.

Mr Thomas Newbold
Mr Samll Hopkins
Mr James Round
Mr Thomas Jones

Mr Edward Howard
Capt John King
Mr Stephen Horsey
Capt Arnold Elzey } Justices

Mr Ephraim Wilson Sherriffe
Capt John Winder
Capt John King
Mr Edmund Howard
Mr John Browne } Coronrs

Mr Peter Dent Clerk of the Indictmts
Mr John West, Clerk of the County Court.

State of Cæcill County

Lib. C. B.

State of Cæcill County &c[a] Cæcill County hath three Parishes; one Vacant of both Church and Minister.

Commissioners &c[a]

Coll Casparus Herman, Mr Wm Harris, Mr Edward Jones } Justices
Mr Mathias Vanderheyden, Capt Charles James, Capt John Thompson } Justices
Mr Wm Dare, Mr John James, Mr Henry Riggs } Justices

Military Officers,

p. 33

Coll Casparus Herman, Colonel
Capt John Thompson, Capt Charles James

Mr Edward Jones, Mr John James } Coroners.

Mr John Carvile Sheriffe
Mr Charles Bass Clerk of the County Court.

That they can Give noe certain Returne as yet for the Counties of Talbot and Dorchestr

Accot of the Revenue Referred to Mr Plater to give

That as to the Revenue, Mr George Plater being their Mats Receiver Genll he the said Plater is to give Account thereof.

Councillors Sallary what paid and how much due &ca

Their Honors do further acquaint his Excncy that from the ffourth day of April, Anno 1692 there became due to each Member of their Maties Councill (as p Act of Assembly) Thirty pounds sterling per Annum whereof Coll Nicho Greenberry, Coll Charles Hutchins, Coll David Browne, Mr Thomas Tench, Capt John Addison, Capt John Courts & Mr Thomas Brooke have received Bills for each Man 25l strl p peice That Coll Henry Jowles never Recd any pay and served Eight Months.

That the Honoble Sr Thomas Laurence Baronet has likewise Recd noe Sallary as yet.

Ordered that the said Councillrs Sallaries be Referred to be considered off by the next Assembly.

That as to the Neighbouring Colonies, they only say that (pursuant to their Mats Command) they had Remitted to New York for the Assistance of that place against the ffrench, the Sume of 250l strl

Lib. H. D.

July 31th 1694

Their Mats Receiver Genll this day put in the following Report vpon the Reference Yesterday made Relating to their Mats Revenue, Vizt

p. 34 Mr Platers Returne about the Revenue

To his Excncy ffrancis Nicholson Esqr Capt Genll & Governr in Chief and to the Honoble their Mats Councill of Maryland.

Pursuant to your Excncies Ordr of Reference Yesterday relating to their Mats Revenue that a true state thereof should be by me Returned to your Excncy in Councill I do humbly Certify the same within my Collection as follows; That the Sume totall of the Duty of the One shilling and three pence p hogshead on Tobacco Exported out of the District of Petuxant from the time of the Arrivall of the late Governor Copley to this day Amounts to the Sume of Three thousand Twenty three pounds three shillings & Eight pence, as p my Account thereof ready to produce may appeare; The said Duty being also Charged Debtor for paymts made out of the same the Sume of Two thousand ffive hundred Nineteen Pounds two shillings and ffour pence, the Ballance thereof in my hands being ffive hundred & ffour pounds, one shilling & ffour pence; the which Ballance is ready to be Answered and paid And I do likewise humbly Certify further to your Excncy that the Duty of ffour pence, p Gallon on all Liquors imported & by me Collected within the aforesd District Amounts to the Sume of Three hundred thirty ffive pounds as p my Account also may Appeare And that the paymts out of the said Duty comes to the Sume of Two hundred twenty one pounds; there still Remaining vnpaid vpon Account that Duty the Sume of One hundred ffourteen pounds: As to the ffines & fforfietures due to their Mats Under my Collection, the same have not been as yet Collected, though some Lists thereof have been Returned me (I not having as yet Recd any Orders for the disposall thereof) and doe also Certify to your Excncy that I have Collected in the District of Potomock for their Mats Use the Sume of One hundred Eight Pounds ffifteen shillings & Nine pence the which is still lodged with me.

p. 35 The Revenue of that District amounts to a greater Sume of Money the Certainty of which may appeare at such time as your Excncy shall think proper for the whole state of the Revenue of that District to be brought in together with an Account of their Mats Duties Collected in the District of Pocomoke; Majr King the Officer there not having as yet delivered any Account thereof, All which is humbly submitted to by

Yor Excncies Obedient humble Servt

July the last 1694. George Plater.

Collectrs & Navall Officers of Potomock & Pocomoke Districts Ordered to send in their Accots &c[a]

Ordered that the Collectors & Navall Officers of Potomock & Pocomoke Districts send forthwith an exact Account vnder their hands to the Clerk of the Councill, as well of the Duty of the Moiety of the two shillings ꝑ hogshead The Additionall Duty of three pence per hogshead, as also ffour pence per Gallon Impost vpon Liquo[rs] imported from the time of their Receiveing the same Untill this day, together with an Acco[t] of all disbursem[ts] of the same by them made in Order to be Cōunicated to this Board Lib. H. D.

July 27[th] 1694

His Excellency acquainting the Board that he hoped they had taken effectuall Care in making Choice of good & substantiall Men for Sherriffes lately by them appointed, does therefore acquiesce in what they have done therein: but vpon a Dispute arising at the Board concerning the Sherriffe lately appointed for S[t] Maries County; it is Ordered that Cap[t] John Bayne be set aside and Cap[t] John Cood Cōmissionated in his stead; and that the Sherriffs appointed for the severall & respective Counties within this Province have their Cōmissions delivered them and be sworne in August Court next, Giving Bond for the due Execution of their places according to former Order of the 14[th] of this instant July.

Cap[t] Jn[o] Cood appointed Sffe of St Maries County

Petition of Cap[t] John Hurle Read as follows: Viz[t]

To his Ex[ncy] ffrancis Nicholson Esq[r] their Ma[ts] Govern[r] of their Province of Maryland and to the Hono[ble] Councill.

John Hurle Cōander of the ship Providence Sheweth.

Cap[t] Jn[o] Hurles Pet

That your Pet[r] did on his passage into this Countrey take a ffrench Pinke loaden with Sugar which said Pinke was brought to a Tryall before the Hono[ble] S[r] Thomas Laurence and the Hono[ble] Councill being Judges of their Ma[ts] high Court of Admiralty who condemned her according to an Act of Parliam[t] made in the ffourth year of their Ma[ts] Reign and according to the Order of the said Court your pet[r] has almost Unloaded the s[d] prize & sorted the Goods taken in her by the Judgem[t] of ffour Commission[rs] Ordered & appointed by the s[d] Court; Now so it is may it please your Ex[ncy] & Hono[rs] that there being one ffifth part of the Goods adjudged to be their Ma[ts] part and Ordered to be divided & kept in specie for their Use & by the ffour Commission[rs] to be delivered Whitehall p. 36

Lib. H. D. to their Ma^ts^ Receiver Generall, Yo^r^ Petitioner therefore complains that there is no svch person Appears to Receive & take Charge of their Ma^ts^ part; Also that your Pet^r^ hath & is at great Charge in the hiring Men, Boats, Stores &c^a^ to his great Charge & Damage; Also your Pet^r^ hath appointed the 30^th^ of this Month for publick Sale of the Goods coming to his part and has given Notice accordingly which Sale cannot be proceeded to before the Goods be divided, Also your Petition^r^ is to his great loss & damage hindred hereby of Loading his owne ship with Tob^o^ and if these Goods be not speediiy divided will loose the oportunity of the Convoy

Yo^r^ Pet^r^ therefore prays yo^r^ Ex^ncy^ and Hono^rs^ to take these Reasons into your serious consideration and Order some person to Receive from the Commission^rs^ their Ma^ties^ part of the said Goods forthwith that the rest may by the day appointed be Exposed to Sale and your Petitioner proceed in his other Affairs

And as in Duty bound he shall pray &c^a^

Admiralty Court Proceedings in the Tryall of the Prize ship produced

Whitehall Afterwards presented to his Excellency Copy of the Proceedings of the Court of Admiralty held at Benedict Leonard Towne in Calvert County the 13^th^ of this instant July; Wherevpon his Ex^ncy^ did Demand to know by what power the said Court was held, to which was Answered that the same was held by Virtue of Governor Copleys Comission of Vice-Admirall, the which should be produced to his Ex^ncy^ to Morrow.

Governrs Comission of Vice-Admirall Ordered to be translated into English &c^a^

Ordered that Copy of the late Governor Copleys Comission of Vice-Admirall be delivered to M^r^ Attorney Gen^ll^ to put into English such Clauses & Exceptions as may make for or against the Erecting such a Court and therewith Attend this Board accordingly; as likewise that the present Governors Comission be by him wholy translated into English, in Order to be put vpon Record for satisfaction and pervsall of all persons.

Whitehall July 28^th^ 1694.

M^r^ Attorney Gen^ll^ brings in the following Report to the Board, Viz^t^

To his Ex^ncy^ ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ & Governor in Chief and to their Ma^ts^ Councill of Maryland.

Mr Attorney Genlls Report about Governor Copleys Comission of Vice-Admirall

In pursuance of an Ordr of Councill to me directed to make inspection into the late Governors Comission of Vice-Admirall and Report the Authorities relating to the Jurisdiction of their Mats high Court of Admiralty within this Province I humbly Represent to yor Excncy and this Honoble Board that the late Governor Copley and in case of his Mortality the then present Governmt had power to hold plea of all Maritime Causes as well Civill as Criminall brought or prosecuted within this province as also the Tryall of prize ships is comprehended within the Generall Words and the powers Granted by the said Comission to inforce obedience to the Decree or the Definitive sentence of the said Court allowing the party grieved his Appeale to their Mats high Court of Admiralty of England, all wch I humbly leave to the grave consideration of your Excncy & this honoble Board and am yor Excncies

most obedient humble Servt

George Plater

Lib. H. D. p. 37

His Excellency was pleased to aske him whether or noe a Judge, Register and Marshall were excepted in the said Comission whoe does say & acknowledge that a Judge, Register & Marshall are therein excepted; then produced his Excncy Coll Nicholsons Comission of Vice-Admirall, wherein (vpon pervsall) there appeared no such Exception but contrariwise a speciall power to Comissionate such Officers; therefore it being found that the late Proceedings in the Court of Admiralty had & taken vpon the Tryall of the Prize ship brought in by Capt Hurle were Erroneous for want of sufficient power to Erect such a Court, it is the Opinion of the Board that the said ship must Necessarily be Tryed by proper Officers to be Comissionated by his Excncy according to the directions of his Excncies said Comission, And thereupon Ordered by advice in Council that Comissions pursuant thereto be prepared to constitute Coll Henry Jowles, Judge, Henry Denton Register and Thomas Collyer Marshall of the said Court of Admiralty, who are to Meet at Coxe Towne the third day of August next in Order to the Tryall of the sd ship.

Whitehall

Capt Hurles prize ship Ordered to be Tryed anew &ca

Coll Hen: Jowles constituted Judge of the Admiralty Henry Denton Registr & Tho: Collyer Marshall of sd Court

July the 31th 1694.

The Business concerning the Tryall of the Prize ship being taken into consideration & fully Debated, it is the Opinion of this Board that if the same be condemned, the Goods thereof

Lib. H. D. p. 38 be divided & apportioned into ffive equall shares or parts by the Comissionrs & the Kings Receiver Genll formerly appointed to divide the same; And Whereas there appears no person vpon the place Comissionated for keeping their Mats prize-Office here And forasmuch as there appears to be a great quantity of sugars & Cocoe Nuts in the said Vessell, and there being but few buyers in this Province, besides living stragling so that it will totally glut the Market to make present Sale of the said Goods, nor can the Kings ffifth part be taken out of the produce till the whole be sold; it is therefore the Opinion of this Board that for the Reasons aforesd it will be to the service of their Mats as likewise more benefit to the Captors (the Master pressing to be gone, to Sayle with the Convoy the 13th of Septembr next) that after a division made of the Goods as abovesd that the Kings ffifth part be Reserved in specie and the other ffour parts be delivered to the Captor or Captors to be disposed off as they shall think fit.—Ordered therevpon as it is hereby Ordered that the Comissionrs formerly appointed & George Plater Esqr the Kings Attorney & Receiver Genll Divide & Apportion the Goods in the said Prize ship taken (if the same shall be legally condemned) into five equall shares or parts, to be divided by Lot, ffour parts whereof they are to deliver into the hands of the Captor or Captors to be disposed off as they shall think fit and the Remaining ffifth part to be delivered into the hands of their Mats Receiver Genll who is to take care to have a Sloope ready at the place vpon the Division made as aforesd in Order to Convey the same downe to the house of Mrs Anne Hopewell at the Mouth of Petuxant River there to be safely secured & lodged for their Mats Use vntill the sixth day of Octobr next, which said day is appointed to Expose the said Goods Unto publick Sale; to be divided put into Lots and sold by Inch of Candle by George Plater Esqr their Mats Receiver Genll Mr Robt Mason & Mr Samuell Watkins for Bills of Exchange to their Mats Use, of which publick Notice is to be Given to all the adjacent Colonies;
p. 39 therefore the Sale is deferred so long that all parts may have timely Notice, besides the Assembly and Provinciall Court will then be Mett at St Maries. And Whereas it being made appear that there is some small quantity of Gold Dust & broken silver imported in the said Vessell; it is therevpon further Ordered that the Kings ffifth part of each be deducted and delivered into the hands of George Plater Esqr the Kings Receiver Genll by him to be kept in specie Untill further Order.

Mordecai Moors Pet & swearing Mr Hanslap

Vpon Petition of Mordecai Moor of Ann-Arrundell County to this Board humbly praying that the Evidence of Henry Hanslap might be taken in the said County on behalf of the Widdow and Executrix of George

Parker against whom the said Moor had commenced an Action in the Provinciall Court but for above these ffive years had been delayed for want of the said Evidence appearing being distempered in Body and Vnable to Travell. Lib. H. D.

The Prayer of the Petitioner is granted and Ordered that the same be performed according to Law.

Richd Hills Pet & Answer, &ca

The Petition of Richard Hill Master of the ship Hope of Maryland seting forth that he was bound with his said Vessell on a Voyage directly to Guinia and therefore prayed the Order of this Board for his speedy Clearing, without which the Collector had Refused to dismiss him.

The said Petition was Rejected, for reason of a certain Instruction from their Maties to his Excncy relating to the premisses, which runes in these following Words, vizt

Ships not to Trade into Africa without leave of the Royall African Company

And you are to take care that there be no Trading from Maryland to any place in Africa within the Charter of the Royall African Company; And you are not to suffer any ships to be sent thither without their leave and Authority.

Produced and Read at the Board Letter from Mr Blathwayt to the Honoble Sr Thomas Laurence of the 21th of Aprill last and another of the 19th of the said month vnto George Plater Esqr Ordered that the same be Entered in the Journall of this Board. The sd Letters follow in these Words, Vizt

Mr Blathwayts Letter to Sr Tho: Laurence

Whitehall 21th Aprill, 94.

Sr

In the first place I must tell you that I am very glad you are out of trouble which the Governour & your sickness brought upon you; then I may congratulate with you of such a new Governour as you will be pleased with, and therefore I do not say any thing to you in Answer to the several questions concerning your Office, which Coll Nicholson will Regulate in Every point to your satisfaction. I am attending his Maty the next weeke to fflanders so that you will the more easily excuse me for not Enlarging at present, but assure yourself that I am, p. 40

Sr

Yor most faithfull humble Servant

W Blathwayt

Lib. H. D. Mr Blathwayts Leter to Mr Plater

Whitehall, 19th Aprill, 1694.

Sr

I have Received your Letter of the 27th of Janry last with a Duplicate, but no Accounts, the want of which you say is occasioned by Mr Randolphs absence, and you give me leave to Expect them by the next Conveyance, which is very necessary.

Coll Nicholson your Governour goes by these ships who will Regulate all Matters relating to the Revenue, and put them in such a course as they are fit to be, from whom you will likewise Receive Directions, what allowance is to be made to Masters of Ships for passing Bills.

As to the ffines which you Receive in specie, there is no doubt but that the Tobacco is better sold in the place then ship'd for England; and you may be guided in all these matters by your Governour. I am Sr

Yor most humble Servant
W Blathwayt

The said Letter was directed thus
Vizt To George Plater Esqr Collector & Receiver of their Mats Revenue in the District of Petuxant,
Maryland

Whitehall

His Excellency acquainting the Board that he had sent down for the Indians to ask & know of them in what condition they were in, it was thereopon Moved to his Excncie by some of the Members of the Councill that consideration might be had concerning an Indian that had made his Escape out of prison being Committed Upon suspicion of killing an English Man; Wherevpon Resolved & Ordered that Mr Attorney Generall be consulted to know what the Law directs in that case, and that he make Report thereof to this Board to Morrow.

Emperour of Piscattoway Appear at the Board

p. 41

The Indians, Vizt Passop Emperour of Piscattoway together with ffive of his Great Men Appear here at the Board; to whom his Excncie was pleased to declare the Reason of sending for them in manner aforeexpressed, for which they all seemed well satisfyed and thankfull, the said Emperour telling his Excncy that he should always ready to obey all Orders of Governmt and keeping the Articles of peace, but withall signifyed that he had an unruly people to Governe and therefore desired protection for himself and family and such others of his ffriends as should come with him, in case he should be forced (through danger of his life) to leave them. They are Ordered to Appear at the Board again to Morrow.

Whitehall

July 28th 1694. Lib. H. D.

Articles of peace with the Indians &ca to be Recorded in the Provll & County Courts Whitehall

Ordered that the Originall Articles of peace Entered into by the severall Nations of Indians with this Governmen[t] be inquired after and put vpon Record in the provinciall Office & the severall County Courts of this Province.

Attorneys cousulted abt an Indians breaking Prison &ca

Ordered that the severall Attorneys now in Town be sent for to Attend this Board, to give their Opinion about the Indian prisoner, who made his Escape, whether the same might be deemed a breaking of Prison according to the law of this Province; therevpon Appeared at the Board ffour Attorneys belonging to the Provinciall Court, who vpon the State of the Case and pervsing the Act of Assembly were all of Opinion that the same was no breaking of Prison within that Law, by Reason that the Sherriffe gave him leave to walke out of dores. Whitehall

Indians again Appear & are asked to surrender vp the Indian Escaped out of Prison Whitehall

The Indians again appear at the Board and asked to Surrender vp the said Indian King, being given to understand that there will no advantage be taken for making such his Escape, it being deemed no breaking of prison by Law, who do make Answer that they will take what care they can about the same or at least give Notice to the English if he should come into their ffort, to the end they may apprehend him.

July 27th 1694.

Capt Jasper Hicks Commander of the King ffisher being Commandore was sent for into the Councill, who vpon his Appearance, his Excncy was pleased to ask him, about what time he designed to depart out of the Province for England, and where he intended to make vp the ffleet vnder his Convoy, who made Answer that he designed to Sayle by the 13th of September next at farthest; and that he would make vp the ffleet at Point Comfort the Usual place. Whitehall

Embargo Ordered till 13th of September

Ordered that no ships be at present Cleared but what shall give Bond to go down to Point Comfort to be ready to Sayle vnder the Convoy 13th of September next. p. 42

Lib. H. D. Severall Masters of ships Pet to be Cleared, Rejected. The Petition of Cap[t] Richard Cheshire and two other Masters of ships seting forth their being now in Readiness to sayle and the Expence they lay at, therefore humbly prayed the Order of this Board for their Clearing; To which was answered that the same cannot be complyed withall by reason of an Instruction from their Ma[ts] to the Governour here which says, that ships shall not sayle in time of Warr but in ffleets vnder their Ma[ts] Convoys, and there being two Men of Warr now in the Countrey appointed for Convoys, who are to Sayle the 13[th] of September next; therefore the said Petition is Rejected.

M[r] Attorney Gen[ll] lays before the Board the following Representation Viz[t]

To his Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] and Governour in Chief and to the Hono[ble] their Ma[ts] Councill of Maryland.

M[r] Platers Representation about Coll Blakiston George Plater humbly Representeth that Coll Nehemiah Blackiston late Collector of Potomock District having in his lifetime taken severall Navigation Bonds and Bills of Exchange for the satisfaction & paym[t] of their Ma[ts] Duties & Impositions arising & becoming due to their Ma[ts] for the support of Governm[t] within the afores[d] District, And whereas Orders having been heretofore Granted by the Hono[ble] the President and Councill the then Governm[t] of the Province that the Widow & Administratrix of the said Nehemiah Blakiston dec[d] should deliver vnto the said George Plater all Bonds &c[a] which were in her possession at the time of the death of her deceased husband relating to & belonging to that Office, the which Order has not as yet been complyed with, the Widow and Adm[rx] pretending her self a stranger to those Affairs; The said George Plater therefore humbly desires your Ex[ncies] Consideration thereof and that further Ord[r] be made therein, And that all the Bonds, Certificates & Papers may be speedily delivered in they being of great Import to their Ma[ts] Service which is humbly Recommended to your Ex[ncies] consideration by Yo[r] Ex[ncies]

most obedient Serv[t]

George Plater

Ordered that (as Attorney Gen[ll]) he take care to see the same prosecuted according to Law; And that as the Kings
p. 43 Receiver he take care of what shall belong to the King.

Ord[r] for interring the bodies of the late Govern[r] Copley and his Lady It being Represented to his Ex[ncy] that the Bodies of the late Governour Copley and his Lady deceased lye still Uninterred at the Great house and considering it was expected some Order should have been received er'e this time for Conveying the same by
Whitehall some Mann of Warr or other Vessell for England, but there

appearing as yet no such Order, and fearing longer delay of interring the same may prove obnoxious to the parts hereabouts; therefore Ordered that imediate care be taken for preparing a Vault to lay the said Bodies in, and that the Ceremony of interring the same be performed at the next Provinciall Court with all the decency & Grandure the constitution and circumstance of Affairs will admitt off; And that three brass Guns, being all that's to be had be in readiness and the Militia of the adjacent parts. Lib. H. D.

It being discoursed at the Board that there had been a Rumour & Report in England how that this Province of Maryland (vpon the death of the late Governour Copley) would in all probability have been in as great confusion and distraction as it was in the time of the Revolution if in case his Ex^ncy S^r Edmond Andros Governour of Virginia had not come over to appease and settle the same in quiet; and it being further Noised in Virginia that if his Ex^ncy S^r Edmond Andros had not a second time come over at the last Provinciall Court here held the said Court must necessarily have fallen for want of sufficient number of Justices to hold the same whereby a totall failure of Justice must consequently have followed— Whitehall

Governrs Queries to the Councill relating to S^r Edm^d Andros's coming over hither &c^a W:

His Ex^ncy desired to know and be informed from the Board whether these things were so or not; supposing severall of the Gentlemen here present to be at the transaction of all these Affairs, therefore willed them to give some Account in relation to the premises—

Councills Answer to the Governrs Quæries relating to S^r Edmond

To which the Gentlemen of the Councill now present do respectively answer as follows, Viz^t That vpon the death of the late Governour Copley which happened the 9^th of September, the Gentlemen of the Councill (to witt) S^r Thomas Laurence, Coll Nehemiah Blakiston, Coll Nicholas Greenberry, Coll Charles Hutchins, Coll David Browne, Thomas Tench Esq^r Cap^t John Addison Cap^t John Courts & Thomas Brooke Esq^r were mett at the City of S^t Maries the 20^th following To which the Assembly of the Province was by the late Governours Proclamation called to Meet likewise by the time aforesaid and in a dispute between S^r Thomas Laurence and Coll Blakiston concerning the Right to the Presidentship of the Province of Maryland had Agreed to a Conference with the Assembly in Order to an Amicable Agreement for setleing the Governm^t according to the Kings Commission as appears by the Journall of the House of the said Assembly but vpon a Letter sent Whitehall p. 44

Lib. H. D. from S^r Edmond Andros by M^r Sherlock Clerk of the Councill of Virginia, intimating that S^r Edmond was speedily coming over with a Commission to Enter vpon this Governm^t vpon the death of Governour Copley they deferred the said Conference And vpon his Arrivall which was the 25^th following he produceing their Ma^ts Commission they willingly and readily submitted to the same

Thomas Laurence
Nich: Greenberry
David Browne
John Addison
Present to the 22^d of September and Agreed to the s^d Conference } John Courts
Tho: Brooke

That as to the second part of his Ex^ncies Demands, severall Justices & Commission^rs of the Provinciall Court living at some distance from the City of S^t Maries were on their Voyage & Journey in Order to be at the said Court the first day of the session thereof but by Extremity and stress of Weather, there did not come a sufficient Number of Justices to Enter vpon Business yet enough to Adjourn the Court according to the Law of the Countrey; the next day there appearing a full Bench.

I was upon my voyage
Nich: Greenberry
David Browne
Thomas Tench
John Addison
Tho: Brooke

Governors Representation about Doctor Payne

His Excellency Representing to the Board that one Doctor Payne in England had set forth and signified to him how that he the said Doctor Payne had been a person very instrumentall in Solliciting and Carryeing on the Affairs of this Province in the time of the late Revolution and to the said End & purpose kept a frequent
p. 45 correspondence with the Chief Men then in Governmen^t His Ex^ncy was desirous to know if there were any Gentlemen here present that had been privy to such Matters, to which they severally Replyed, they were ignorant of any such thing, but supposed that M^r Cheseldyn & Cap^t Cood could give his Ex^ncy the best satisfaction therein and therevpon Ordered that the said M^r Cheseldyn & Cap^t Cood be sent for to Attend this Board on Munday next to know what they can say in the premises.

July 28th 1694. Lib. H. D.

Read a Letter from the Commissioners of the Custome house of the 24th of Aprill last directed to the Rector & Governor of the Colledge of William and Mary in Virginia; Ordered that the same be Entered in the Journall of this Board, the which follows in these Words, Vizt

Gentlemen

Commissionrs of the Custom house Letter to the Rector of Virga Colledge

Wee have Received yours of the 18th November wherein you seem to be of Opinion that the Propositions for allowing the Officers in Virginia and Maryland certain Annuall Sallaries instead of three fourth parts of the Duties arising by the penny per pound on Tobacco within their respective Districts will be prejudiciall not only to the Colledge but to their majesties interest, And you having proposed Twenty p Cent as a sufficient Allowance for Collecting the said Duty with which you say the Collectors being generally well wishers to the Colledge will be content, Wee shall take our Selves noe further concerned therein then to Refer the same to you for making such Agreement and Settlement with the said Collectors, who will otherwise find Encouragement for their diligence in putting in Execution the Acts of Trade and Navigation by the third part of the fforfietures thereby provided for them. Wee concurr with you in Opinion that the Office of Comptroler & Surveyor Genll is superfluous since the Governor of the Colledge can Audit the Accots of the sevarall Collectors And Wee Agree as you desire that the said Office be let fall and the profits thereof saved to the Colledge which you are to signifye to Mr Philip Lytfoot the present Compt and Surveyor with the offer of the next suitable Collectors place that shall become Void. Wee have considered the Reasons offered by you against sending this Duty of a penny p pound for England, And as for what thereof shall be actually paid down in Money Wee think it needless that it should be remitted hither And do therefore Agree with you that it be kept in the Countrey and applyed to the Vses of the Colledge p. 46
And if there can be good assurance had that the Tobacco which is taken in lieu of this Duty for want of Money to Answer and pay the same, shall be really shiped for England by the persons to whom it shall be sold, Wee shall incline to the said proposalls for settleing thereof in the Countrey to the best advantage rather than rune the hazard of the Sea in

Lib. H. D. the importation of it hither for the Colledges Account and sending back the produce thereof, Wee are

Gent^{l} Yo^{r} affectionate ffriends & Servants

Custom house Lond^{o}
24th Aprill 1694
Directed thus
ffor the Rector & Governo^{r} of
the Colledge of William & Mary
Virginia.

Jo: Werden
Robert Southwell
C Godolphin
Robert Clayton
P Ward

Read two other Letters from the said Commission^{rs} both directed to his Ex^{ncie} Governo^{r} Nicholson, the one of the 23th of ffeb^{ry} 1692 and the other of the 16th of March 1693, both Ordered to be Entered and are as follows, Viz^{t}

S^{r}

Commissionrs of the Custom house's Letter to his Exncy touching Capt Meech

Wee have before Us the Case of Thomas Meech touching his late transgression by trading between Virginia & Scotland with forged and counterfieted Certificates which by your great care & Zeal for the publick Service were timely discovered and transmitted to Vs, But because the said Meech has not only made a free and open confession of his fault but given you some Information of frauds Acted & done by others in Virginia, which at your safe Arrivall there (wherein our good Wishes attend you) Wee are assured will by your prudent Managem^{t} be improved for their Ma^{ts} advantage, and is now personally Engaged in discovering and bringing to punishm^{t} here in England some Notorious Offenders as well ships & Vessells as their Imployers which is partly known to you; Wee have thought fit to make a Tryall of him in this Affair for some time and do desire you to Respit the prosecution of the Bonds against him & his Sureties in Virginia vntill you shall heare farther from Vs concerning him. And as for any other Bonds taken in pursuance of the Act of Navigation Wee desire you to have a particular Reguard therevnto, causing a
p. 47 Vigorous prosecution of them which are become forfieted; And that no Bond be delivered vp to be Cancelled, but by very good Certificates from England vnder our hands that the Condition thereof has been really fulfilled.

Whereas M^{r} Nehemiah Blakiston one of the Collectors in Maryland is indebted to their Ma^{ts} vpon his Account in a very considerable Sume and is otherwise suspected to be guilty of indirect practices in his Office Wee are obliged for their Ma^{ts} Service to give you a farther trouble desiring you at your first going to Maryland to Call the said Blakiston to Account, And

if vpon Examination of his Books or otherwise there Appeare to be Cause, that you suspend him and imploy some able trusty person in his stead, tis farther Ordered from Vs and as anything may occurr to you concerning the behaviour of the other Officers in Maryland necessary for our information Wee shall desire to heare from you Lib. H. D.

Wee are S^r^ Yo^r^ humble Servants
Custom house 23^th^ of Jo: Werden
ffeb^ry^ 1692 Robert Southwell
Directed Pat: Ward
ffor the Hono^rl^ Robert Clayton
ffrancis Nicholson Esq^r^ Governo^r^
of their Ma^ts^ Colony of
Maryland.

Commissioners of the Custom house Letter to his Exncie touching Tob^o^ Exported hence to the plantacõns

S^r^

Being informed from the Commission^rs^ of their Ma^ts^ Duties of ffour and halfe per Cent in the Island of Barbados, that the Tobacco imported thither from Virginia, Maryland & other Northern parts in America doth occasion great trouble & Charge to their vnder Officers in the Weighing thereof Because the Certificates mentioning the paym^t^ of the penny ℔ pound Express only the Numbers of hogsheads, Bundles or Trusses without either the Weight of each particular hogshead or the Weight of the whole parcell contained in such Certificate, thereby rendring the said Officers incapable to Discover any fraud to their Ma^ts^ prejudice in the short payment of the said penny ℔ pound which Duty by some former instances hath been frequently compounded at little more than halfe Vallue, for avoiding of which evill practices for the future and making this Examination more easie and certain to the Officers in Barbados & other Plantations, Wee desire you will please to give particular Instructions to all our Officers within your Governm^t^ that they do not presume to Certifye for any greater quantity of Tob^o^ than for which the Duty shall be first Answered & paid to them. And that in their Certificates they do mention both the Numbers of hogsheads Bundles & Trusses and the exact Weight thereof, Wee are S^r^ p. 48

Custom house Lond^o^ Yo^r^ very humble Servants
16^th^ March 1693. Jo: Werden
Directed thus Rob^t^ Southwell
ffor the Hono^rl^ P: Ward
ffrancis Nicholson Esq^r^ Governo^r^ } Rob^t^ Clayton
of their Ma^ts^ Colony of Maryland }

Lib. H. D. Coll Robotham permitted to Retire Home

His Hono[r] Coll Robotham being lately come from England and not as yet been at home since his Arrivall, humbly desired the leave of his Ex[ncy] and the Board to Retire home, which was accordingly Granted him.

Capt Bayns Pet about Shffes. place Rejected

Petition of Cap[t] John Bayne, moving about the Sheriffs place of S[t] Maries County being Read, was Rejected; Cap[t] Cood being made Sheriffe by Ord[r] of Councill Yesterday.

Richard Sheppards Pet Referred to the Com̃issionrs of the County Court for Answ[r]

Petition of Richard Sheppard of Calvert County, Read setting forth some ill Usage he Received in that County Court; Ordered that the Petition[r] be Referred to the Commissioners of the said County Court and that they Return Answer to this Board with all convenient speed.

Coll Greenberry delivers the Broad Seal to his Ex[ncy]

The hono[ble] Coll Nicholas Greenberry delivered to his Ex[ncy] at the Board the Broad Seal of the Province, the which his Ex[ncy] was pleased to leave vpon the Board with the Gentlemen of the Councill to be put in the Custody and Charge of such person as they shall think fit; but vpon consideration had it was Agreed vpon to be his Ex[ncies] Right and that the same should be Returned to his Ex[ncy] again to dispose thereof as seems best to his Ex[ncy] and therevpon S[r] Thomas Laurence tooke Charge of the same to Redeliver it to his Ex[ncy]

His Ex proposes whether the calling an Assembly was requisite &c[a]

Whitehall

Proposed by his Ex[ncy] to the Councill whether there was occasion of calling an Assembly signifyeing to them that as he would not be wanting in his Duty to their Ma[ts] when it was for their service to have one neither would he put the Countrey to Charge when there was not an absolute Necessity to call an Assembly and therefore would have them consider well of it.

July 30[th] 1694.

Whitehall

To which Demand of his Ex[ncy]

p. 49

The Secretary and Members of the Councill humbly offered the Reasons following for calling an Assembly, Viz[t]

ffirst

Councills Reasons for calling an Assembly

That by a Proclamation issued by his Ex[ncy] the late Governo[r] Copley and Councill, Dated August 25[th] 1693, it was thought fit for diverse weighty Reasons then appearing to them to Summon the Assembly

which had been continued from the 10th of May 1692 by severall Adjournm^ts and Prorogations to Meet again on the 20th day of September 93, on which day the said Assembly did Meet accordingly and Sate till the 26th day of the same Month; But the late Governo^r Copley dyeing on the 9th day of September, S^r Edmond Andros Arrived the 25th with their Ma^ts Commission to take the Governm^t of Maryland and on the 26th dissolved the same. Lib. H. D.

2: The Members of the Councill are of Opinion that the Reasons which Moved the late Governo^r Copley & Councill to Convene the said Assembly do still subsist with greater Reason. Whitehall

3: That whereas vpon the Accession of every Governo^r to his Governm^t the Generall Expectation of the Province is that an Assembly be called for the settleing a more perfect vnderstanding between the Governo^r & Governm^t The Gentlemen of the Councill do now vpon their particular knowledge Represent to your Ex^ncy that the calling of an Assembly is both the expectation and humble desire of this Province of Maryland in Order to the passing of such publick Acts as may conduce to their Ma^ts imediate service and to the generall Good & advantage of this their Province.

ffor setling the publick Revenue; all Matters touching the Protestant Religion according to the doctrine & discipline of the Church of England as relating to the persons of Church Men and Establishing on them a competent Revenue; as also for Erecting free scholes with competent Maintenance the paym^t of Arrears of publick Debts due to the Rangers and for publick Entertainments and vpon Bills of Exchange not paid with diverse other Reasons.

They do further desire that M^r Cheseldyn being formerly Speaker of the house of Burgesses may be sent for and asked about it, who accordingly Appeared; His Ex^ncy was pleased to aske him whether or no he thought the Calling of an Assembly would be to the service of the King and good of the Countrey and what sentiments the Members of the house had vpon the Dissolution of the last Assembly; To which he Answered that he believed the calling of an Assembly was generally expected throughout the Province, and that the interest of the Province would Require the same for severall weighty Reasons; Viz^t such as Reviewing the Laws and paying off old Arrears, now become very great; and as to his Ex^ncies last demand he does say that the suddain dissolution of the last Assembly was very surprizing to the whole house. p. 50 Whitehall

ffor which Reasons aforesaid there appearing a Necessity for the imediate calling an Assembly; therefore 20th of September next is appointed for the Meeting of an Assembly

Lib. H. D. Ordered that Writts of Election issue accordingly pursuant to the Act of Assembly of this Province.

Coll Jowles made keeper of the Broad Seal

Delivered by his Ex^ncy at the Board, vnto the hono^ble Coll Henry Jowles, the Broad Seal of the Province to be Keeper thereof; And it being moved by his Ex^ncy to know how the Court of Chancery has vsually been held in this Province; therevpon M^r Kenelm Cheseldyn was inquired off about the premises, who being asked the question does say that the same Judges which heard & determined Matters at Common Law have generally likewise determined Matters in Equity Ordered therevpon that the Court of Chancery continue to proceed in all respects as formerly, the Judiciall part thereof only at present excepted.

Coll Greenberry Moves tht the ffees Accruing by the Great Seal during his Custody of the same may be allowed him

The Hono^ble Coll Nicholas Greenberry formerly Keeper of the Great Seal humbly Moves his Ex^ncy to know whether he may have liberty to Collect the ffees accruing by business passed the said Seal during his Custody of the same Wherevpon Ordered that the said ffees be allowed and paid to the said Coll Nicholas Greenberry to his owne proper vse according to Law, And that the Clerk of the Provinciall Court give his Hono^r a List of such ffees as by Process, precepts, Commissions or other Writings issued out of that Office, from the time of his Ex^ncie S^r Edmund Andros his Accession to this Governm^t vntil this day, being there prepared and sent to his Honour to pass the Great Seal.

Petition of Edward Randolph Esq^r being presented to his Ex^ncy and Councill was Read as follows, Viz^t

To his Ex^ncie Coll Nicholson Cap^t Generall & Governo^r of their Ma^ts Province of Maryland in Councill.

Esq^r Randolphs proposall about the ship Anne

The humble proposall of Edward Randolph Surveyo^r Generall of their Ma^ts Customs of the Continent of America May it please yo^r Ex^ncie

p. 51 Some time since I Seized for their Ma^ts the ship Ann of Maryland, John Blackmore Master for being loaden with Tobacco before security first given according to Lawe That being prevented by bad Weather in the Bay I came not from James River to the Provinciall Court holden in S^t Maries till the 15^th day of May last in the morning in Order to trye the ship about Eight that Night I Received a Coppy of an Order of the ffourth of May directing M^r Plater to take care for due proceedings against the said ship, but the Juryes being dismissed that Cause then could not be Tryed: but a

Commission was directed to ffive persons to meet at Battle Town on the 19th of June following to Trye that ship. I accordingly went thither With Mr Plater & Mr Clarke to prosecute the Vessell, but by the Neglect of the Sherriffe or otherwise, the persons Nominated Commissionrs were not duly summoned neither were any of the Witnesses summoned to Appear to give in their Evidence for their Mats so that for want thereof they could not prosecute at that time: It's humbly proposed on their Mats behalfe that in reguard three only of the ffive Commissioners were summoned (coming accidentally to Battle Town that Morning) and before hearing the Cause, acquitted the ship from her Seizure; Lib. H. D.

That your Excie will please to Order a Commission to be issued for a speedy Tryall of the said ship at St Maries directed to persons vninterested in the Cause all which is humbly submitted &c By

E Randolph

Ordered that this Petition be Referred to Mr Attorney Generall to advize therein and make Report to the Board Monday Morning next.

July 30th 1694.

Mr Attorney Generall accordingly Reports to the Board as follows, Vizt

To his Excy ffrancis Nicholson Esqr Capt Genll & Governor in Chief and to their Mats honble Councill of Maryland.

Mr Attorney Genlls Report vpon the aforesd Pet Referr'd

In obedience to your Excies Ordr of Reference to me directed to pervse the Representation made to your Excy by Edward Randolph Esqr Surveyor Genll of their Mats Customs vpon the Continent of America I humbly signifye I have pervsed the same and do presume the Matter of fact therein contained to be true and further that in as much as the said Edward Randolph Esqr thought it not fit for their Mats service to prefer an information (two of the Justices of the Court in the Commission mentioned not being sumoned) as also the Evidences for the King not Appearing; p. 52 And forasmuch as that the King ought not to be surprized or Judgment given against him where noe Information filed wherein the breaches Committed against their Mats Acts of Trade might have been Assigned, I humbly concieve that the Proceedings of three of the Justices of the Speciall Court mentioned in the Commission for Tryall of the said ship in the taking of the Seizure of the same made by the said Randolph

Lib. H. D. cannot be conclusive to the King but that the ship is answerable for what breaches (if any) have been by her Committed against their Ma^ts^ Acts of Trade and Navigation all which is humbly submitted by

Yo^r^ Ex^ncies^ most obedient
humble Servant
George Plater.

The which being read; M^r^ Tench Defendant in the Matter in question humbly Moved that time might be given him to Answer thereto, and therevpon Ordered that time be given to the said M^r^ Tench to answer thereto and that Coppy of the said petition and Report be given him.

Coll David Browne sworn Councillor &c^a^

The Hono^ble^ Coll David Browne appears at the Board, who had Administered Unto him the Oaths appointed by Act of Parliam^t^ to be taken instead of the Oaths of Allegiance & Supremacy as also the Oath of Councillor, and Afterwards subscribed to the Test.

Councillors Ordered to be principle Commanders in the Counties where they live

Ordered that where any of the Gentlemen of the Councill Reside within any of the Counties of the Province, that the same be principle Officers & Commanders of the Militia within their severall & respective Counties.

Militia Officers for Charles County

Ordered that the hono^ble^ Cap^t^ John Addison be Commissionated Collonell of Charles County in the roome & stead of Coll Humphrey Warren and that M^r^ William Hutchinson be constituted Captain over the Troope which was Cap^t^ Addisons; that Cap^t^ John Courts have Commission to be Lieveten^t^ Collonell, M^r^ Henry Hawkins to be Cap^t^ of Cap^t^ Courts's Troope of horse and that Maj^r^ Smallwood remaine Major; Cap^t^ W^m^ Dent to be Coroner instead of M^r^ John Stone.

Militia Officers for St Maries County

That S^r^ Thomas Laurence Baron^t^ be Commissionated Collonell for S^t^ Maries County, Cap^t^ John Cood Lieveten^t^ Collonell and that Maj^r^ Cambell remaine Major.

p. 53 That Coll Henry Jowles be Collonell for Calvert County instead of Coll Beale and that the said Beale have Commission to be Lievetenant Collonell and that M^r^ Thomas Greenfield be Commissionated Major.

That Maj^r^ Henry Ridgely be Commissionated Lievetenant Collonell for Ann Arrundell County and that Captain John Hammond have Commission to be Maj^r^ in his stead.

Baltemore County Commission of the Peace Renewed

Ordered that New Commission of the Peace and for Tryall of Causes be Renewed for Baltemore County and that M^r ffrancis Watkins & Cap^t Thomas Hamond be aded to the said Commission. Lib. H. D.

Kent County Comission of the peace &c^a Renewed

That the like Commission be Renewed for Kent County with the addition of M^r William ffrisby, M^r John Hinson, M^r Phillip Conner and M^r Thomas Ringald, and that M^r William ffrisby be of the Quorum.

Kent County Militia Officers Appointed

Ordered that the persons following be Commissionated Militia Officers for Kent County, Viz^t M^r William ffrisby, Major, M^r Hans Hanson Captain of horse and M^r John Coppage Captain of ffoot.

Vpon Reading Proposall of Esq^r Randolph their Ma^ts Surveyo^r Generall and Representation of Esq^r Plater their Ma^ts Receiver relating to the Administratrix of Coll Blackiston about the Kings Revenue, seting forth that the said Estate was much indebted to their Ma^ts but yet could get no papers out of her hands pursuant to a former Order of this Board. Whitehall

Esq^r Randolph and Esq^r Platers proposall about Adm^x of Coll Blackiston &c^a & Ord^r thereon

Ordered therevpon that Edward Randolph Esq^r, George Plater Esq^r M^r Kenelm Cheseldyn, M^r Robert Mason, Cap^t John Bayne and M^r Philip Lynes goe to the house of the said Madam Blakiston and make Demand of the Surrender of all Bills, Bonds, Certificates, Writings & papers whatsoever any ways relating to or concerning their Ma^ts Duties and Customs here And in case the said Madam Blakiston refuse or deny to surrender vp the same vpon such their demand, they or as many of them as shall meet vpon the place are hereby Empowered to take the assistance of a Constable along with them and so break open any trunck, Chest, truss or Lock whatsoever in Order to search out all such papers as are found to concern their Ma^ts as aforesaid the which by them are to be close sealed vp with one Seal, and the said Madam Blakiston (if she thinks fit) with another Seal with leave of any person or persons as she shall bring to be present at the sorting of the said papers and taking an Account of the same, which are to be left in the Custody of Esq^r Randolph by him to be kept & preserved in Order to be brought before this Board the 21^th of September next, then to be broke open & inspected, And lastly Ordered that an Oath be administred to the said Madam Blakiston that she knows of no other Papers relating to their Ma^ts Revenue &c^a to be in the Custody of her selfe or any other person or persons by her imployed. p. 54

Lib. H. D. Depositions agt Esqr Randolph relating to Trade Ordered to be sent for England Whitehall

Produced at the Board severall Depositions & papers against Esqr Randolph relating to Trade Ordered that Authentick Coppyes of the same be sent to the Commissioners of the Custom house this next shipping.

Representation about Somerset County Court & Ordr about the same

Whereas it is Represented in Councill that some of the principle inhabitants of Somerset County have by their particular sway thought fit that the holding Courts for that County should be performed at some other place than where the same are now kept & held; Notwithstanding the scituation of the place is nigh the heart & Center of the said County, and for that reason most convenient; however the abovesaid persons not reguarding the common good and interest of their Mats good people the Inhabitants thereof, have by their power, to serve their own private Ends proceeded so farr as to begin to Erect and build a Court house within six miles of Virginia, lyeing at the very out side of the County, which extends nigh fforty miles in length, and so by consequence much out of the way of Business.

Ordered therevpon by advice in Councill as it is hereby Ordered the person or persons manageing the said Worke wholy desist from carrying on the aforementioned Building for any such vse. And further Ordered that the Sherriffe of the County vpon the summoning the inhabitants together for the Election of Burgesses do at the same time take their severall Votes vnder their owne hands in Writing to the End it may be seen & known from them distinctly & severally where they do think is the most convenient place in that County to hold Courts, a due Return whereof he is to make to this Board with all convenient speed.

Whitehall July 31th 1694.

Edward Randolph Esqr Sworn Councillor

p. 55

Edward Randolph Esqr appointed one of their Mats Councill for this Province appeared at the Board, who had administered vnto him the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy as also the Oath of Councillor and likewise subscribed to the Test.

Whitehall

The following Order (by directions of his Excncy was drawne & issued to the severall Counties of the Province in manner following vizt

By his Ex^ncy the Governo^r & Councill &c^a Lib. H. D.

July 31^th 1694.

Ord^r of Councill relating to the Officers Civill & Military of the severall Counties for to make Return &c^a

Ordered that the Commissioners of the several & respective Counties within this Province give Directions to their Clerk to draw out a List of the severall ffines & forfietures appearing vpon Record in the said County Courts together with an Account of the severall & respective Majestrates & Officers belonging to their said Courts, as also what parishes laid out within each County to be sent vnder the hands of the said Justices Unto this Board by the 20^th day of September next And that the Sheriffe of each respective County give Notice to the severall & respective Mititary Officers within their several precincts that all and each of the said Officers do take an exact & particular Account by a strict Survey & Examination had of every particular soldier vnder their Command of his Name, Equipage and instruments of Warr he is furnished withall; an exact List whereof as to the Name & furniture of each Soldier being taken, all the Commission Officers of each respective Company or Troope are hereby Enjoyned to transmit the same vnder their hands distinctly together with an Account of what publick Arms are in their severall Counties and how the same are fixed; as likewise what powder & Ball lyes lodged within ther Counties to be ready at the place & day above recited; Lastly the said Sherriffes are likewise to Give Notice to all and singular the Vestrymen of each parish within their said Counties that by the time & to the place aforesaid they make Return of the Number of Tythables in each parish laid out; what Sum̄es of Tobacco has been by them Received, pursuant to the Act of Assembly and how disbursed & laid out and what Churches built, a building or in readiness to be built; And to the End no person may plead ignorance in these Affairs, the Sherriffe of each respective County is to publish & make known this Order at the County Court held in August within each County. Whitehall

Signed p Ord^r

Hen: Denton C of Council

His Ex^ncy Demands of the Board if there was anything else they could think off at present to Offer, who having no more to Offer or say his Ex^ncy told them that he hoped they would all appear at the Meeting of the Assembly. p. 56 Whitehall

At a Councill held at the Councill Chamber at the City of S^t Maries the 21^st day of Sep^r in the Sixth Year of the Reign

Lib. H. D. of our Soveraigne Lord & Lady King Will[m] and [Queen] Mary King & Queen of England &c[a] Anno Dom: 1694

Present

His Exce[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] &c[a]

S[r] Thomas Laurence Barron[t] Secr[ty]

Coll Hen: Jowles
Coll Geo: Robotham
Coll Nich[as] Greenberry
Coll Cha[s] Hutchins
Coll David Browne
Coll Jn[o] Addison†
Tho[s] Brooks Esq[r]†

Tryall of the Ship Anna Hellena of Belfast Ordered

George Layfield Esq[r] their Maj[ties] Collector for for Pocomock District informeing the Board of a certain Vessel by him Siezed Named Anna Hellena of Belfast, Samuell Murthland Como[r] did humbly desire a day might be appointed for tryall of the Ship according to Law and one M[r] Browne Mercht in the sd Vessel likewise appearing it was Mutually Agreed vpon that the s'd Ship be brought to Tryall third day of Octob[r] next before the Justices of the prov[ll] Court and thereupon Ordered that the sd Ship be tryed the day prefixed Accordingly

Sept[tr] the 24[th] 1694.

The aforenamed parties together w[th] Maj[r] King Appear Again at the Board to whom his Exce[ncy] did Signiefye the Adjournm[t] of the prov[ll] Court Untill the Sixth day of Novemb[r] next and therefor demands of M[r] Browne whether he will have his Vessel Tryed by A Spec[ll] Court or Stay till the prov[ll] Court according to Adjourm[t] who makes Answer that he had rather Stay till the prov[ll] Court Sits than be put to the Charge of A Sp[ll] Court and thereupon Ordered that the s'd Ship be try'd Seaventh day of Novemb[r] next before the Justices of the prov[ll] Court Aforesaid.

At a Councill held Sep[tr] 22[th] 1694

Present

p. 57 Whitehall

His Exce[ncy] ffran[cs] Nicholson Esq[r] and rest of their Maj[ties] Hono[ble] Councill aforementioned w[th] the Addition of the Hono[ble] Tho[s] Tench Esq[r] and Cap[t] John Courts.

Attorneys Order'd to be consulted about Appeals and Writts of Error

It being debated at the Board whether the Gover^{r} and Councill could properly take upon them the hearing of Appeals and Writts of Error brought before them in a Judiciall way; as also the regulating the Court of Chancery taken into consideration Resolved that the Kings Attorney Gen^{ll} wth the rest of the Attorneys now in Towne be Sent for imediatly to give their Advice & Opinion about the same and accordingly Appeared M^{r} Rob^{t} Smith Speaker of the House of Burgesses M^{r} Attor^{y} Gen^{ll} M^{r} Kenelem Cheseldyne M^{r} W^{m} Dent & M^{r} Charles Carroll who upon Stateing the Case and debateing the Same pro & con, did humbly crave time to advise & further consult about it w^{ch} was granted and for their better direction was delivered to them Copy of an Instruction and Clause out of his Sacred Maj^{ties} Comission to his Exce^{ncy} ffrancis Nicholson Esq^{r} relateing thereto whereof they are to make report wth all convenient Speed. Lib. H. D. Whitehall

Sep^{tr} the 27th 1694

Produced the Answer & Opinion of the Attorneys about the same w^{ch} being Read was referred to be reheard again to morrow Morning. Whitehall

Sep^{r} the 28th 1694

The Attorneys Answer last night Referred taken again into consideration Resolved & ordered that the same be Sent downe to the House of Burgesses for their perusall The S'd answer runs in these following words; Viz^{t} Whitehall

To his Exce^{ncy} the Gover^{r}

Maryland

S^{r}

Wee have in obedience to yo^{r} Commands consider'd and debated the Sev^{r}ll Matters Given us in Charge w^{ch} Wee conceive to consist of these two following propositions (to witt)

Attorys opinion about Appeals & Writts of Error

1: Whether by Vertue of their Maj^{ties} Comission the Gover^{r} and Councill are not actually qualifyed & Enabled as a Court of Justice to hear and determine all Matters in Law that shall be brought before them by Error or Appeale or that there be a Necessity for any further Authority or Comission to them for the same To w^{ch} Wee humbly answer, Wee are of opinion that you and Yo^{r} Coun-

Lib. H. D. cill are Sufficiently Authorized and Empowered by Yo^{r} Comission from their Maj^{ties} to hear and determine all Matters in Law comeing before You either by Appeale or Writt of Error from the prov^{ll} Court wth out any further or other Comission Whitehall or Authority for the same but Wee conceive it Necessary for information of the people that You Signiefie by proclamation how often in the year you will Sit to hear & determine such matters.

2: What will be the best Methode or Manner for constituteing a Court of Chancery or Equity in this province according to the constitutions of the same.

Wee Say that because you have power & Authority to constitute Erect and establish such & so many Courts of Judicature & publick Justice &c^{a} as to you shall seem convenient &c^{a} You may constitute a particular Court of Equity in this province. But then for the Hon^{r} of the Gover^{r} & Councill it would be Necessary to declare by a Law that any person expecting to be relieved by Equity shall lay hold of the same by Injunction or otherwise before the Matter in Law by Appeale or Eror be laid before the sd Gover^{r} & Councill and p. 58 not after or else you may procure a Law to be made declareing the Gover^{r} & Council to be Judges in Equity wthin this province when the matter shall in a regular equitable way be brought before them by Subp$^{s}_{n}$ Injunction or Petition and not otherwise And this wee say because wee are not Unanimously Agreed w^{ch} of the Two is most Agreeable to the Current of Law and constitution of this province And wee humbly Signyfie that Wee take it to be Against the Current and the Meaning of the Law and incongruous of it Self to have the Same persons Judges in the Prov^{ll} Court as also Judges in Councill for the Motion of Appealing or Writts of Error is to except Against the Judgm^{ts} of these Judges that gives Judgm^{t} & Appeale to other Judges in a Superiour Court w^{ch} plainly Supposes different p^{r}sons this is our present Opinion of the Matters abovesaid to w^{ch} wth Submission to better Judgments wee Subscribe

Yo^{r} Exce^{ncy} most humbly & faithfull Servants

Sept^{r} the 26th 1694

Rob: Smith
Kenelem Cheseldyn
Geo: Plater
Edw^{d} Boothby
Will^{m} Dent
Phil: Clarke.

At a Councill held &c[a] Lib. H. D.
October the 17[th] 1694
Present

Provl & County Courts Regulated & Settled

His Exce[ncy] ffrancis Nicholson Esq[r] and all Members of their Maj[ties] Hono[ble] Councill except Esq[r] Randolph.

The board proceeds to the Regulateing and Settleing the Sev[r]ll Courts w[th]in this province and in order thereto were call'd what Lawyers were to be had for their advice about the same who accordingly came

Then produced and read a Prov[ll] Court Com̄ission and Dedimus wherevpon his Exce[ncy] Demands whether that forme will Answer in all points, the w[ch] in the Opinion of the Lawyers is said to be Sufficient enough Ordered therevpon th[t] Com- Whitehall
ission Accordingly Issue w[th] A Clause to be Add'd to the Dedimus to obliedge the Judge of the sd Court to Subscribe to the Test as well as take the Oaths, And that one of the Quorum and ffour more be Sufficient Numb[r] to hold Courts And one of the Quorum & two more Sufficient Number to Adjourne them therein and thereby constituting & Appointing the following persons to be Judges & Justices of the sd Prov[ll] Court to hear & determine all Matters brought before them persuant to the s'd Com̄ission

Justices Appointed Viz[t]

Provinciall Court Justices

- M[r] Rob[t] Smith, M[r] Rob[t] Mason, M[r] John Wattson, Coll S[t] Leger Codd, Maj[r] Jno[o] Hammond } Quorum
- Cap[t] Rich[d] Hill, M[r] Tho[s] Tasker, M[r] Hen[ry] Lowe, M[r] W[m] Hatton, Coll Wells } Justices
- Maj[r] Rob[t] King, M[r] John Pollard, M[r] Edw[d] Jones } Justices

Chancery Judges appointed.

p. 59
Ordered that M[r] Kenelm Cheseldyn & Maj[r] Edw[d] Dorley Whitehall
be added to the Hono[ble] Coll Henry Jowles Keeper of the Great Seale for the hearing & determining all Matters in Chancery.

Afterwards produced & Read a County Court Com̄ission and Ordered by Advice that the County Court Com̄issions be limited to Ten thousand pound's Tobb[o] and that no Action be Whitehall
brought in the sd Courts exceeding the s'd Sum̄e That one of

Lib. H. D. the Quorum & three more be Sufficient Number to hold Courts and one of the Quorum & two more Sufficient Number to Adjourne And that Comissions Issue pursuant thereto w^th^ the Same Clause to be Added to the Dedimus as in the provinciall Comission therein & thereby constituteing and Appointing the Sev^r^ll persons hereafter Nominat'd to be Justices & Comission^rs^ within the Sev^r^ll & respective Counties of this province Viz^t^

County Court Justices.

Comission^rs^ Appoint'd for the Sev^r^ll Counties Octob^r^ the 16^th^ 1694

	St Maries Co:		Calv^t^ Co:	Mr Jno fferry
	Capt Jno Dent		Mr Jno Grigg (Quorum	Mr Make Richardson
Quorum	Mr Rd Clouds	Qum	Mr Tho: Greenfield	Mr Jas Maxfield
	Mr Phil Briscoe		Mr Geo: Lingan	Capt Tho: Richardson
	Capt Jno Bayne		Mr Tho: Holyday	Mr Thos Staley
	Mr Jno Lowe		Mr Jno Bigger	Mr Jas Philips
	Mr Edwd Greenhalgh		Mr ffracs Hutchins	Capt Thos Hamond
	Capt Thos Waughop		Capt Hen: Mitchell	Mr Jno Hall
Justices	Mr Benjn Hall		Mr ffracs ffreeman	Talbot Countie
	Capt Henry Smith		Mr Jas Leech	Capt Jas Murphy
	Mr Joshua Guibert		Mr Waltr Smith	Mr Thos Smithson
	ffor Kent Co:	Justc	Mr Wm Hans (Quorum	Mr Richd Carter
	Mr Wm ffrisby		Mr Samll Holdsworth	Mr Isaac Winchester
Quorum	Mr Hans Hanson		Mr Wm Barton	Mr Wm Coursey
	Mr Jno Hinson		Mr Wm Turner	Mr Tho: Bowdle
	Mr Thos Smith		Mr Jno White	Mr Jno Hawkins
	Mr Jno Coppage		Chas Countie	Mr Edwd Loyd
	Mr Cha: Tilden		Capt Wm Barton (Jusc	Mr Nich: Lowe
	Mr Edwd Sweetnam		Coll Humpry Warren	Mr Jno Whittington
Justices	Mr Phil Conner	Quorum	Mr Henry Hawkins	Mr Jno Neagly
	Mr Thos Ringold		Majr Jas Smalwood	Dorchester County
	Chas Hinson		Capt Phil: Hoskins	Mr Hen: Hooper
	An-Arundell Co:		Mr Robt Yates (Quorm	Mr Tho: Ennals
	Mr James Saunders		Mr Wm Hutchison	Mr Waltr Camell
Quorum	Majr Henry Ridgely		Mr Jos: Maning	Mr Tho: Hicks
	Capt Nichas Gassoway	Jusc	Mr Richd Harrison	Mr Wm Mishew
	Mr Samll Young		Mr Wm Taneyhill	Mr Jno Mack
	Mr Henry Constable		Mr Jno Hanson	Mr Richd Owen
	Capt Jno Worthington		Baltemore Con: (Jusc	Mr Alexr ffisher
	Mr Jno Bennet		Mr Edwd Boothby	Mr Jno Taylor
Justices	Mr Phil: Howard	Quorm	Mr ffract Watkins	Mr Richd Tubman
	Mr Jno Dorsey		Mr Geo Ashman	
	Mr Seth Biggs			

p. 60. Justices { Mr Roger Woolford; Mr Andw Gray }

	Somersett Conty		Cæcill County
	Mr ffracs Jenckins		Coll Capt Herman
	Mr Jno Winder	Quorum	Coll Wm Pierce
	Capt Wm Whittington		Mr Wm Harriss
Quorum	Mr Jas Dashiel		Mr Wm Dare
	Mr Roger Woolford		Mr Matas Vanderhayden
	Mr Tho: Dixon		Mr Jno Thompson
	Mr Mattw: Scarborough		Mr Peter Bayard
	Mr Jno Boseman	Justices	Mr Robt Crooke
	Mr Geo: Layfield		Mr Edwd Blay
	Mr Thos Nuhall		Mr Thos Thackstone
	Mr Samll Hopkins		Mr Ebenezer Blackstone
	Mr Jas Rounet		
Justices	Mr Edmd Howard		
	Mr Thos Jones		
	Mr Jno King		
	Mr Stephen Horsey		
	Capt Arnold Elzey		

Chancery & Provll Courts Regulated

Ordered that there be three Provll Courts held every Year, Vizt one on the last Tuseday in ffebry whereat no Jurye causes shall be determin'd aneother on the third Tuseday in Apll & last Tuseday in September for trying matters of ffact That the Court of Chancery sit the Munday following from the begining of each Court & Lib. H. D.

Appeales &ca to the Goverr & Councill when to be heard

That the Goverr & Councill Sit the Wednesday after the Court of Chancery to hear Appeals & Writts of Error, except ffebry Court

Upon Representation Ordered that the Court of Chancery begin not to Sit to hear any Matter Untill Apll Court next, nor the Goverr and Councill to hear Appeales &ca untill the s'd Court Whitehall

Ordered that the Honoble Sr Thos Laurence Secretary doe (by Virtue of his Comission from their Sacred Majties) find A Register in Chancery who shall keep a distinct Record for that particular Office &

That the Clark of the Councill be Clerk to the Goverr & Councill for hearing Appeales &ca who shall likewise keepe a Seperate Record for entering all Such proceedings brought and determined in that Court, he being thought the properst prson for the Execution of that Trust.

Ordered that the particular Offices be Alloted in the New State House to be built for to hold the Records of the Sevrall Offices Appoint'd.

Ordered that all the foregoeing Orders Relateing to the Regulation of the Courts be fair Writt out and read at the next provll Court.

At a Councill held &ca the 24th day of September Anno 1694

Present p. 61

His Excency ffrancis Nicholson Esqr

Sr Thos Laurence Barrt Secretry	Coll Chas Hutchins
Coll Hen: Jowles	Coll Dav: Browne
Colln Geo: Robotham	Coll Jno Addison
Coll Nichas Greenberry	Capt Jno Courts
Thos Tench Esqr	Thos Brooke Esqr

Capt John Farmer Capt John Payne and Sevrll other Masters being fallen downe wth their Ships Unto the Mouth of Petuxant River in Ord'r to Cleare their Vessells doe humbly move to Sayle notwithstanding a former Order of this Board Whitehall

Lib. H. D. w^ch^ Comands that noe Ships should be Cleared after the 13^th^ of this instant Septemb^r^ Setting forth their being Stopt by contrary Winds and Bad Weather. Order'd therupon as it is hereby Ordered that Whereas there is noe advice as yet come to this province of the ffleets being gone out of Virginia the S'd Vessells be cleared notwithstanding the aforemencōned Order.

Whitehall Ordered that George Plater Esq^r^ their Maj^tes^ Collector and Receiver Generall write to Cap^t^ Pagan Merch^t^ in London to provide and Send in by the first conveyance in a Man of Warr (if one comes) these following Arm's to the Value of Two hundred and fifty pound's Ster^r^ out of the Quarter part of their Maj^ties^ Revenue now Remaining in his hands but th^t^ he be Silent in the doeing thereof by Reason the Governm^t^ have not had time to Send at p^r^sent Sev^e^ll Journalls home w^ch^ are now preparing.

Arms as follows Viz^t^

Dragoons Arm's and furniture &c^a^ Sent for in

Twenty Dragoons Bridles & Sadles. Ten hand Mortars such as the two Companys at Tangier had sent them when my Lord Dartmouth was there To inquire of S^r^ Henry Goodrick or some other officers at the Tower of the price and where they are to be had w^th^ one hundred hand Granadoes fit for those hand Mortars and ffuzces w^th^ proper Wadding and directions how to Use them.

Half a dozen Instrum^ts^ to try powder with and the rest of the 250^lb^ to be laid out in Granadoes Arm's, Viz^t^ slung fusees Sanguind or otherwise fited the best way to keep them from Rust & Byonets fit for the Bore of these fusees w^th^ large Cartouch boxes to hold betwixt two or three doz^n^ of carthrages

Whitehall and to Send good hatchets. The Cartouch box to goe upon one belt and the Hatchet & Bayonet in two hangers upon the Same belt and pouches to cary the Granadoes in.

Ord^r^ about Coll Greenberry's going for England &c^a^

It being debated at the Board whether his Exce^ncy^ S^r^ Edmond Androse Comission here produced ought to have taken place there being found palpable contradictions between the S'd Comission and his Exce^ncy's^ proclamation and if in case it Appear the S^d^ S^r^ Edmond did take upon him this Governm^t^ illegally whether

Whitehall or noe Sev^r^ll ill consequences may not follow thereon; to w^ch^ his Hono^r^ Coll: Greenbery made Answer that they doe not find any person Agrieved but what they did was in regard to their Maj^ties^ Sd Comission and they believed the S'd Edmond came w^rh^ a legall Comission but if it falls out that they shall be call'd in question for it by the King he will goe home and

Aske the Kings pardon Whereupon his Excency does say that Lib. H. D.
he may have leave to goe As soon as he pleases and that their
Majties Service in the interim thereby will not Suffer here.

Septr the 25th 1694

Councill Again Sat and were prsent as before.

Coll Robotham to inquire into Mr Clayland & Mr Leechs preaching Orders.

Ordered that the Honoble Coll Georg Robotham inquire what Orders Mr Clayland & Mr Leech have for preaching & performing a Ministeriall function in Talbot County and particularly to inquire into the Marriage of one Stephens whereof he is to make return to this Board wth all convenient Speed.

Coll Greenberry Do for Mr Davis

Ordered that Mr Davis of An-Arundell County w.
produce his Orders for preaching &ca Unto the
Honoble Coll Nicho Greenbery and Thos Tench Esqr
or either of them upon Refusall whereof they are to Accquaint p. 62
him he cannot be permited to exercise that Sacred ffunction
Do ord'r to Collr Jowles for Mr Bartlet.

The Petition of Thos Tench read as follows Vizt

To his Exce ncy ffrancs Nicholson Esqr Goverr of Maryland and Councill in Assembley &

The Humble Petn of Thos Tench Admr of all the goods Chattells & Credts of Lionell Copley Esqr late Governour of Maryland &cca

Tho: Tench Petn in relation to Goverr Copleys Estate

Humbly Sheweth

That Yor Petr being Admr as Afsd and being dessirous and Willing to Admr rightfully and duely on the same to the best Advantage and Bennifit of the Credrs and Children of the sd Copley and finding some difficulties and as Yor Petr conceives hardships imposed or Urged upon him in regard to the S'd Estate humbly prayes Yor Advice in the ꝑticulars following

1st: It is urged upon Yor petr that Sometime before the S'd Copleys Death he made A Verball Order that Some of his Servts wch he ꝑticularly Nam'd Should have all his wearing Apparell distributed Among them wch after his Death was required of Yor petr and although Yor petr did in honor to the S'd Copleys Order deliver the same to the S'd prson yet tooke w.
Obligacōn of them tht if they should be Adjudged Assetts in Yor Petrs hands they should Answer the Value thereof whether (consideracōn being had to the Honor of the post the s'd Copley then had) the said Wearing Apparell shall be deemed Assetts to charge Yor Petr is what he humbly prayes Advice

Lib. H. D. 2dly: Yor Petr finds among the Papers of Coll Blackston late Navall Officer for Potomock District Sevrll Bills of Exchange Drawne payable to the s'd Copley as Goverr and left wth the s'd Blackston as Navall Officer wch are now refused by the s'd Blackstons Admx to be delivered yor Petionr whether the Same ought not to be deliverd to yor Petioner as part of the s'd Copleys Estate by him Accomptable for is what he humbly prayes Advice in.

3: It is likewise Urged by the Admx of the s'd Blackston That Yor Petr as Admr Afsd must Answer to her Their Majties and the Estate of the s'd Blackston for their Equal parts of a certain Pink called the Margrett wch was condemn'd for Breach of certain Acts of Trade & Navigacōn alltho' Yor Petr can find no deed or any other Title to the s'd parts among any papers of the S'd Copley nor indeed is there any conveyance from the s'd Collector for either theire Majties or his Owne part neither can now be, the s'd Collector being Dead, Whether Yor Petr can be made Answerable as Admr afsd for the s'd two parts for wch he has noe Title in Law or only for the pt that by the forfieture Afsd Accrued to the s'd Copley as Goverr is what he humbly prayes Advice in.

These things he humbly Layes before yor Excency and Councill in Assembly being as he humbly conceives in the most Suteable capacity of determining the Same wch he humbly prayes for the avoyding Unnecessary troubles to the Credrs and Children Afsd you will please to Afford yor Petr The Advice and direction in the prmisses humbly pray'd for and as in duty bound he shall Ever Pray &ca c

p. 63 Answer to the fore going Petition

As to the first article this Board can say Nothing to it the same lying properly before the Comissary.

As to the Second Article. Ordered that the Petrs Accot be made up and the Gentlemen impowr'd to inspect Coll Blaikstons papers to make return According to former Ord'r and that what is found due to their Majties the quarter part thereof be Applyed pursuant to their Majties Instructions; as to the third Article he is Referred to Mr Plater for Advice and that he give an Accot to this Board what is become of the Kings third part of the S'd Pink.

Mr Josephs Letter about Articles vpon Surrender of Matapany

Produced at the Board a Letter from Mr Josephs directed to his Excency the Goverr and Councill praying that certain Articles enter'd into vpon the Surrender of Matapany in the S'd Letter inclosed might be entered upon Record &ca Whereupon Capt Cood Coll Beale, Mr Cheseldyn & Coll Warren being sent for and Appearing and Coll Jowles then likewise Prsent; his Excency Demands

whether the S'd Articles be the paper Sign'd by them and Lib. H. D
Whether they think fit the same should be Recorded According W.
to M^r^ Josephs prayer; who for Answer return the Same is the
paper they Sign'd, and that they are not Ag^t^ the Recording of
it but w^th^ all Signified that Cap^t^ Cood had by him their demand
before the Articles Recc^d^ and Afterward their Acceptance of
the S'd Articles w^ch^ they pray may be Recorded together w^th^
them Cap^t^ Cood promising to produce the same to this Board
the Begining of Next Weeke

Octob^r^ the 8^th^ 1694

Cap^t^ Cood Appears at the Board and was again read unto
him M^r^ Josephs Letter & Articles about the Surrender of
Matapany Upon w^ch^ the S'd Cap^t^ Cood likewise p^r^duced the
first Sum̄ons Sent into the S'd Garison together w^th^ the Sur-
render made Ordered th^t^ all the papers be entered in the
Journall of this Board, w^ch^ are as follows Viz^t^

May it please Yo^r^ Exce^ncy^
And this Hono^ble^ Board

Mr Josephs Letter about Articles at Mattapany

The inclosed Articles Have I Sacredly hitherto as
well P^r^served as kept, They are the very Originall
Sign'd by the Generall, Chief Officers, Com̄anders,
or Grand Councill of that time.

Seaven of the Nine Still live all or most now at S^t^ Maries with
the Clerk th^t^ Writt'em; and in perpetuam Rei Memoriam Pray,
they may be Enter'd and Recorded in such proper Bookes and
Offices as yo^r^ Exce^ncy^ and this Hono^ble^ Board shall thinke fitt,
w^th^ Ord'^r^ that in all and every part the same Inviolably be for
ever kept, Observed, And performed to all persons whom it Whitehall
doth or may Concerne, th^t^ they, w^th^ me, may allwayes pray

Sep^r^ the 24°
1694

Will^m^ Joseph

Sum̄ons Sent into Matapany by a Trumpet ffrom our Camp
before Matapany Aug^t^ the first 1689

Chief Comdrs Sum̄ons Sent into Matapany Garrison

Gentlemen

Wee herewith send you our declaration w^ch^ wee
would have publickly read. Wee do demand the
im̄ediate Surrender of all their Maj^ties^ protestant
Subjects detained in Yo^r^ Garrison.

Lib. H. D. Wee do demand in their Maj^ties^ Name and for their Use the imediate Surrender of the Garrison together w^th^ all the Arm's Amunicon and all Manner of Warlike provissions whatsoever therein,

To the Officers and Others in Arm's in the Garrison of Matapany These

Jn° Coode
Hen: Jowles
Jn° Cambell
N^h^ Blaikston
H: Warring

Chiefe Comdrs 2d demand & proposalls offered the s'd Garrison

Gen^t^

Wee have sent you, our Sumons, we have received an answer w^ch^ desires a parley and personall Treaty, between us and some of You

1 ffor Answer wee doe demand as in our Sumons sent.

2 That no Papist in this province be in any office Military or Civill as by their Maj^ties^ proclamacon and the Laws of England.

3 And wee doe promise and Grant that You the Gentlemen and Soldiers now in Armes in Your Garrison may return to Your and their respective homes or dwellings In Ord'r to w^ch^ we doe Assure You and them saffe conduct protection and Security for you and their persons & Attendants

4 And that wee will likewise protect you and them in the ffree & full Enjoym^t^ of all your and their Just rights and priveledges, Equall w^th^ the rest of their Maj^ties^ Subjects according to the Laws of England or the Laws of this province

5 These are our absolute Resolutions concessions and demands to w^ch^ wee dessire You^r^ imediate complyance being utterly resolved against any personall Treaty about the premisses or any other Articles.

Given under our hands the first day of August in the first year of their Maj^ties^ Dominion Annoq Dom: 1689

Jn° Cood
Hen: Jowles
Jn° Cambell
Kenel^m^ Cheseldyn
Ninian Beal
Hum: Warren
Neh^m^ Blaikston
Jn° Turlinge
Rich^d^ Clouds

Articles Accepted by the Garrison of Matapany

Gen[t] Lib. H. D. Whitehall

Wee doe accept of the Articles now sent and Accordingly are ready to Surrender the Garrison Dated this first day of August 1689

Will[m] Joseph
Hen[ry] Darnall
Nicho[as] Sewall
Edw[d] Pye
Clem[t] Hill

Notice given to Mr Layfield Abt Comptrlrs place vacuated &c[a]

George Layfield Esq[r] their Maj[ties] Coll[r] & Comptroler for Pocomock District &c[a] Appearing at the Board his Exce[ncy] was pleased to acquaint him that the Hono[ble] the Comision[rs] of their Maj[ties] Customs Whitehall have by late Order taken of that Office of Comptroler and doe now allow 20 p Cent for the Collection of the peny p pounde

At a Councill held 7[br] 27[th] 1694

Present

His Exec[ncy] and all the Councill except Coll Hutchins and Esq[r] Randolph

Bills of Exchange Ordered to be delivered Mr V Sweringhen

Upon Motion of M[r] Gerrard V: Sweringhen about Bills of Exchange lodged w[th] Clerk of this Board belonging unto him humbly praying delivery of the Same.

Ordered that the same be delivered Accordingly.

It being Represented that whereas their Maj[ties] Magazine of powder is considerable w[th]in this City of S[t] Maries and forasmuch as their Maj[ties] have no particular ffort for preserving the Same from Enimies or Accidents.

Order about Amunicōn and powder

Resolved and Ordered thereupon that the same be p. 65 distributed into every County to be lodged w[th] the principell Officers and Comanders by them to be Safe kept and not touched upon any Acco[t] unless upon invassion or insurrection w[ch] God forbid.

Order abt Arms taken at Matapany

Ordered that what Armes were taken and Seized Whitehall at Mattapany for their Maj[ties] Use that an Acco[t] thereof be Returned to this Board w[th] all convenient Speed.

Lib. H. D. Ordr abt interring the bodies of the late Governor & Whitehall Lady

Taken into consideracōn the appointing a day for interring the Bodies of the late Governor Copley and his Lady whereupon it was Ordered that the S'd Solemnity Should be performed one the ffifth day of October next and that Notice be given to Majr Cambell, Capt Waughop, and Capt Greenhalgh to be present wth their Troope and Companys and that all things be gott in readiness Against that time pursuant to former Order.

To his Excy the Governor and honrble Assembly of Maryland now Sitting the 27th of Septembr 1694.

p. 19 The humble Petition of the Distressed Prisoners George Mason and Willm Burley.

Wm Burley and George Masons Petn

Sheweth

That your Petitionrs for these many years last past have been Confin'd thō more Willing to Dye then live to put the Country to So Vast a Charge as our Eternall Imprisonmt will Create.

Wherefore humbly Pray we may be brought before this honrble House beseeching yor Excy And this great Assembly to Inquire into the Commission by which we were tryed whether there were any or no, or whether it was of Oyer and Terminer under that Seal, and as the Law directs & noe otherwise, and whether our present Circumstance may not Admit us to Bayle upon such Security as this honrble House shall think fit,

And we will ever Pray &c:

Resolved that the Attorneys be Consulted therein whether Persons under their Circumstances can be Bayled according to the Vote of the House of Burgesses

Sept the 29th 1694

Council again Sate & were all present with the addition of the Honoble Edwd Randolph Esqr who being lately arrived out of Virga gives Advice of the ffleets being Sayled from these parts undr their Majties convoy.

Ordered thereupon that the Sevrll Collectors give notice to this Board what time the ships bound for Europe now remaining in the Province will be ready to Sayle to the End a day may be Appointed.

Whitehall A List of Ships not yet cleared delivered at the Board as follows Vizt

List of Ships in Petuxant District not Cleared

John Miller Master of the Ship Sarah of Bristoll
Jno Hurle Comdr of the Ship Providence of London
Jno Salley Mr of the Barkenteen Hopewell of Maryland Jno Browne Comdr of the Ship Ann of London Jonathn

Benn Comander of the Ship Rainbow of Lancaster Edw^d Tarletone M^r of the Ship Oake of Liverpoole Hen^ry Morrson M^r of the Ship Eliz^a of London-Derry Hugh Jones M^r of the George of Plymouth Edm^d ffarrow M^r of the Ship Returne of London James Anderson M^r of the Ship Unity of Maryland Matt^w Estes M^r of the Barkenteen Dolpin of Pensilvenia Hen^ry Tregany M^r of the Ship Canterberry of London—Tho: Pitts Comd^r of the ffrancis & Mary of London Samuell Gibbs Comd^r of the petuxant Merch^t of London The above Ships & Vessells except Cap^t Tregeny and Cap^t Miller will be ready (as I am informed) to Sayle w^th in this fforthnight or three Weekes. Lib. H. D. Whitehall

Geo: Plater Coll^r

Embargo upon Ships till first of Novemb^r 1694

Upon Representation ordered that an Embargo and Stop be put upon all Ships & Vessells bound for Europe Untill the first day of Novemb^r next and th^t no such Ships be Cleared to Sayle by any of their Maj^tis Collectors w^th in this Province before that day and that no such Ships as Afsd be Afterwards Cleared untill further Order w^ch is Supposed will not be till Christmas or after And that the ffleet be made up in Petuxant River except the two Ships in Potomock whereof all persons concerned are to take due Notice

Septemb^r the 29^th 1694

M^r Phil: Lynes sworne Mayor of St Maries City

Came M^r Kenelem Cheseldyn Recorder of the City of S^t Maries together w^th Sev^rll other Members of the S'd Corporation and presented M^r Philip Lynes Mayor Elect for the S'd City to his Exec^ncy to be sworne who Accordingly had Administred unto him in Councill the Usuall Oath of Mayor of the S'd City— Whitehall

His Excency demands Whether Coll Greenberry had taken the Oath of Trade &c^a

In reading over a Letter Sent from his Exce^ncy S^r Edmond Androse to the Honob^le Coll Nicholas Greenbery then President of their Maj^ties Councill here Dated 19^th of March 1693 A Clause therein was inserted as follows Viz^t I hear it Objected th^t you have not taken the Oath for observance of the Oaths of Trade and Plantacōns Enjoyned by S'd Act on penalty therein w^ch I think Necessary to intimate; his Exc^ncy thereupon did aske the S'd Coll Greenbery whether he had taken the S'd Oaths who makes Answer th^t he has not taken the s^d Oaths, the same never being tendered to him by S^r Edmond or any other person p. 66

Lib. H. D. His Execncy Demand Whether Sr Edmd Androse did take the Oath of Trade &ca

His Excency Demands to know whether his Excency Sr Edmond Androse did ever take the Oath of Trade & Navigation after his Assuming this Governmt upon him and it was Answered that Mr Lewellin was Clerk at Sr Edmonds Arrivall who was thereupon Sent for and Accordingly Appeared of whom his Execncy was pleased to demand what Oathes were taken by Sr Edmond Androse upon his taking the Governmt who does say that he tooke the Usuall Oaths Appointed by Act of Parliamt to be taken instead of the Oaths of Allegiance and Supremacy as also the Oath of Comdr in Cheife an Oath formerly Accustomed to be taken by the Governors of this Province

Adjourne till the Afternoon

Post Meridiem

Councill Again Sate and were present as before except Coll Jowles, Coll Greenberry Coll Addison & Mr Brookes.

Attorney's Opinion relateing to Sr Edmonds Assuming this Governmt

Mr Robert Smith speaker of the House of Assembly Mr Attorney Genll Mr Chesseldyn Mr Clarke Mr Boothby and Mr Carvile by order of his Encency Sr Edmond Androse his takeing this Governmt upon him was legall or noe And thereupon was produced & read the S'd Sr Edmond Androse Comision and proclamation remaining upon Record in the Journatl of the Councill and Afterwards read a clause in his Execncy Coll Nicholsons Comission relateing to the constitution of the Governmt in case of the Death or absence of the S'd Coll ffrancis Nicholson from America, all wch being Maturely considered and Debated they Severally and Respectively declare and are of Opinion that the S'd Sr Edmond Androse did illegally assume this Governmt And therefore by consequence all Acts of State and other Matters passed Acted and done by Virtue of his S'd Comission are vicious and Erroneous and for prevention of the ill consequences that thereby may ensue they doe humbly Represent that it is absolutely necessary that a Law be procured to pass for the S'd End & purpose

At a Councill held Octob^{r} the 1st 1694 Lib. H. D. Whitehall
all present Except
The Hono^{ble} { Coll Hen^{ry} Jowles Coll Geo Robotham
Tho: Tench Esq^{r} & Cap^{t} Jn^{o} Courts.

James ffrisby Esq^{r} Appears at the Board Whitehall

Appeared at the Board the Hono^{ble} James ffrisby Esq^{r} one of their Maj^{ties} Hono^{ble} Councill.

Governors demand relateing to S^{r} Edmonds transmiting Lists of Shiping Whitehall

His Exce ^{ncy} Demands of the Board whether his Excen^{cy} S^{r} Edmond Androse did give any direction for the transmiting of Lists of all ships Tradeing hither since the Death of the late Governor Copley who does make Answer that the S'd S^{r} Edmond never gave any such directions. p. 67

Representation about S^{r} Edmond Androse &c Whitehall

It was alsoe Represented that upon Application made by Sev^{r}ll persons to the Afsd S^{r} Edmond about business depending in this Governm^{t} he the s'd S^{r} Edmond did make answer that he dessigned not to concern himself further then to keep matters in peace and quietness.

That the S'd S^{r} Edmond by Letters Appearing under his hand did Order transcripts of the Journall of the Councill to be sent him from hence into Virginia as appears by his Letters to Coll: Greenberry then President

Octob^{r} the 3^{d} 1694

Governors demand of Major Robt King abt takeing the Oathes of Trade &c^{a} Whitehall

Major Rob^{t} King appearing at the Board wth his Acco^{ts} of Navall Officer for Pocomock District being Appointed & placed in the S'd Office by the late Governor Copley and continued therein by his Excen^{cy} S^{r} Edmond Androse His Excen^{cy} does Demand of the S'd King Whether ever he had taken the Oath of Trade & Navigac$\bar{o}$n who makes Answer he never did

At a Councill held &c October 9th 1694
Present
His Excen^{cy} Coll^{r} ffrancis Nicholson

Coll Georg Robotham, Coll Nichoas Greenberry } & { Tho: Tench Esq^{r}, Coll Cha^{es} Hutchins, Coll David Brown

Coll Darnall Ordered to give an Acc^{t} of publick Armes taken or delivered Whitehall

Upon Representation Ordered that Coll Henry Darnall give an Acco^{t} to this Board wth all convenient Speed what publick Armes were taken out of Matapany upon the Surrender of that place as likewise what Receipts he has by him for any other

Lib. H. D. publick Armes by him or his Order delivered before the Surrender of the Governm[t]

Coll Beale Ordered to give an Acco[t] abt Armes taken at Matapany Whitehall

Ordered likewise that Coll Ninian Beale returne ane Acco[t] to this Board w[th] all convenient Speed what Armes both private and publick were taken into his Custody at Matapany upon the Surrender of that place

At a Councill held &c[a] Octob[r] the 11[th] 1694

Present

His Exce[ncy] the Governor and all the Members of their Councill except

The Hono[ble] { Coll Greenberry, Coll Hutchins, Coll Browne }

Capt Hurls petition for Loan of eight Barlls of powder

Whitehall

Eight Barlls ordered Capt Hurle

Read the Petition of John Hurle Mast[r] of the Ship Providence humbly therein dessireing the Loan of Eight Barrells of powder out of their Maj[ties] Store in this Government therin promissing to Returne the like quantity in kind the next year the w[ch] was granted and Ordered that Eight Barrells of powder be delivered to the Petitioner out of their Maj[ties] Store Accordingly he giving good Security to returne the like quantity of small powder for the same

Whitehall

Acco[t] of Amunicon & Armes at St Maries

Produced at the Board an Acco[t] taken by the Hono[ble] Coll Nicho[as] Greenberry October the 16[th] 1692 of all the publick Armes & Amunicōn then Lodged at S[t] Maries as likewise annother Acco[t] by the Hono[ble] S[r] Tho: Laurence Barron[t] 26[th] of June After w[ch] are as follows Octob[r] the 16[th] day 1693 I took an Acco[t] of all the publick Arms and Amunicōn Lodged at S[t] Maries City & are as followeth Viz[t]

In the State House remaines in Gunpowder	81 whole Barlls
The same time left in the Gover[rs] house in powder	18 whole Barlls
Whitehall The same House 4 Barrlls open'd w[ch] will hold out better than	3 whole Bar
Left at the S'd House in great Shott	H 64 lbs by weight
And alsoe left there in Bullets Uncertaine but Judge About	2600 pounds
Musquets Lodged there the same day as p Acco[t] p me	195

At Mr Harper at Petuxant was Lodged by the Governors Order 8 Barlls powder in all 110 Barlls powder — Lib. H. D.

Powder Ordered p the Governor out of Harpars hands after Lodged

To Coll Hutchins Dorset County	01 Barrel
To Major ffiny of Talbot County	01 Barll
To Coll Harman of Cæcill County p MeN: G:	01 Barll
More Ordered p Me N: G: out of the Sd Harpares Hands Toward paymt of 25 Barlls Borrowed in Virginia	05 Barlls
And soon After ordered out of the State House to be sent into Virga by Capt Powlson as Mr Plater has Receipts	20 Barlls
Disposed of as Abovsd	28 Barlls
Remaines Still at St Maries	82 Barlls

This Accot given by Coll Greenberry — Over and Above this Accot as Abovesaid I delivered to Coll David Browne of Somersett County for the publick Service of the Country out of the Governors House 1 Barll powder—powder 81 Barlls — Whitehall

1 large Barll of Musquet bullets
1 les dito ¾ pts full of small dito — 192 Musquetts

St Maries June the 26th 1694

Accot of Armes and Amuncon by Sr Tho: Laurance — Upon View of the Armes and Amunition at St Maries found In the Governors House One hundred ninty two Musquetts seaventeen Barlls of powder whole. — p. 72

ffour Barells opened two of them almost full two other half filled — Whitehall

One Large Barrell halfe full of Musquet Bullets.
One lesser 3 quarters full of small bullets.
In the State House 61 Barells of powder

Tho: Laurance

Order for Devision of the powder to be sent to each County — Ordered that devission be made of the gunpowder to be Destributed and Sent as follows Vizt

	Barlls		
To Charles County	10	Brought over	38
To Baltemore County	10	To Dorchester County	05
To Cæcill County	08	To Somrset County	06
To Kent County	03	To St Maries County	06
To Talbot County	07	To Calvert County	09
		To An-Arundell County	09
	38		73

Lib. H. D. Whitehall — Do Orders About Armes & Amunicõn

Ordered that the Armes Bullets and Shott be likewise devided and parceled out proportionable to the powder, And that one Barll of the S'd powder be lodged in a place onely and that neither the S'd Armes nor Amunicõn be medled wth or made Use of Unless upon case of Invasion or insurrection wch God forbid.

Militia Orders aud Instructiones

The following Orders and Instructions relateing to the Regulating the Militia drawne forth by Order and Sign'd & Sealed by his Excency were sent to each County of the Province

By his Excency the Governr & Councill &ca
Octobr the 9th 1694.

Ordered that there be three ffield Officers Appointed in each County Vizt A Colln Lievtenant Collonell and A Major to be Comissionated by his Execncy wth power to Appoint and Constitvte all Officers under them And Enlist Souldiers in such and so many Devisions as they shall see most proper and convenient A Troope to Consist of A Captain, Lievtennant Cornet Quarter Master, a Clerk, three Corporalls, Thirty six private Troopers & a Trumpeter.

A Company of ffoot to Consist of A Captain, Lievtenant, Ensigne a Clerk, three Serjants, ffour Corporalls, & two Drumers, & Seaventy two private Soldiers.

That there be Dragoons Raised where they can conveniently each Troope to consist of one Capt one Lievtennant, one Cornet, a Quarter Master a Clerke three Serjants and ffour Corporalls & fforty ffive Troopers And foreasmuch as it being Assembly time & all Clerks now in Town are busily
p. 73 imployed in Writting Soe that Military Comissions cannot So imediately be prepared it is thereupon Ordered that the Sevrll ffield Officers now hereby Appointed doe Act as fully and Amply pursuant to the following Directions as if they had All ready Received their Comissions for the Same as likewise all Officers appointed Under them whereof all persons are to take due Notice as they will Answer the Contrary at their perills.

ffield Officers hereby Appointed are as follows Vizt

ffor St Maries County

Sr Thomas Laurance Barront Collonell, Capt Jno Cood Lievtent Collonell and Majr John Cambell Major.

ffor Kent County.

Mr John Hinson Collonell, Mr Hans Hanson Levetennant Collonell and Mr Thomas Smith Major.

ffor An Arundell County.

Collonell Nicholas Greenberry Collonell, Majr Henry Ridgely Lievtennant Collonell and Majr Edward Dorsey Major. Lib. H. D.
ffor Calvert County

Collonell Henry Jowles Collonell, Capt Henry Mitchell Lievtennt Collonell and Capt John Bigger Major
ffor Charles County

Collonell Jno Addison Collonell, Collonell Humpry Warren Lievtennt Collonell and Major James Smalwood Major.
ffor Baltemore County

Majr John Thomas Collonell Capt Thomas Richardson Lievtennant Collonell and Capt James Maxwell Major.
ffor Talbote County

Collonell George Robotham Collonell, Major William ffinny Lievtennt Collonell and Mr Thomas Smithson Major.
ffor Somersett County

Collonell David Browne Collonell, Capt John Winder Lievtennt Collonell and Capt William Whitington Major.
ffor Dorchester County

Collonell Charles Hutchins Collonell, Capt John Mce Keell Lievtennt Collonell and Capt John Ennalls Major but if it should please God that Majr Tripp should Returne into the Countery he is to be Lievtennt Collonell
ffor Cæcill County

Colln Casparus Harman Collonell, Collonell William Pierce Livetennant Collonell and Capt Jno Thomson Major. And further Ordered that the S'd ffield Officers (wth all Expedition) appoint the Sevrll Officers under them and that the Devisions of the Sevrll Troopes & Companys be Devided as follows, Vizt The Captains Squadroon, the Lievtennants, and the Cornet, or Ensignes Squadroon and them to Exerceise Sevrlly Six times every Year A due Returne of wch S'd Troops and Companys Soe raised is to be sent Under the Sevrll and p. 74
Resspective Officers hands of the Acoutriment and Equipage of the Sevrll Troops and Companys so raised, Unto this Board wth all convenient speed.

And further Ordered that the ffield Officers aforemencōned call for an Exact Accot of all the publick Armes in the Sevrll Counties and that they dispose of the Same to such places as they shall see fit for Securing the ffronteers and to see that the same be well fixed wth all possible Expedition, And such as cannot be fixed here that care be taken by the ffield Officers to send the Same for England if they be wth Sending to be fixed there and that all persons supplye themselves wth Armes and Amunicōn pursuant to the Act of this Province.

That the ffield Officers take care to change as much powder as they see convenient and Order the Officers under them tht have the Charge of any powder for to looke well after it and turne it at the least once A Month.

Lib. H. D. That the Officers be Appointed (if possible) Among the Troops and Companies.

That Different Collours be to each County (Viz^{t}) for horse foot and Dragoons.

ffor S^{t} Maries County Red	Baltemore County Green
Kent County Blew	Talbot County Purple
An-Arundell White	Somer Sett County the Union or Jack fflag
Calvert County Yellow	being the only Marine County
Charles County Orange	Dorchester County Buffe Collour
	Cæcill County Crimson

Persons excepted from Mustring Viz^{t} Ministers & their Clerks Justices and Clerks of the County Courts Collectors & Navall Officers and Constables.

Given under my hand and Seale at the City of S^{t} Maries the 17th day of October in the Sixth Yeare of the Reign of our Soveraigne Lord and Lady King Will^{m} & Queen Mary Annoq Dom: 1694.

ffra: Nicholson Seale

By His Exce^{ncy} the Gover^{r} & Councill &c^{a}

Octob^{r} the 9th 1694

Coll Beale Empowered to raise Men upon cases of Insurrection of Indians

It being Represented in Councill that Collonell Ninian Beale has allwayes been a person very ready & Serviceable upon Comotions or insurrections made by Indians and that he is Seated convenient at the head of Petuxant River to give notice and raise Men upon all such incident and Emergent Occasions—And forasmuch as his Maj^{ties} by his Royall Instruction to his Exec^{ncy} has Comanded that fiting Officers should be Appointed at the heads of Rivers to the S'd End & purpose Ordered thereupon that the S'd Collonell Beale have a particular Comission for his Exce^{ncy} to raise and Comand what Men he thinkes fit in all the nighbourhood in those parts upon all Occasions of such Comotions & insurrection so soone as the same shall come to his knowledge

Signed p Ord^{r} Hen: Denton Clk Coun^{ll}

p. 75 I doe hereby Authorize and Empower Collonell Ninian Beale to Execute all the powers According to the above Order of my self and their Maj^{ties} Hono^{ble} Councill, for w^{ch} this shall be his Comission Given Under my hand and Seale this 18th day of Octob^{r} Annoq Dom: 1694 in the Sixth Yeare of their Maj^{ties} Reigne

ffra^{cs} Nicholson Seale

Bill of Loading for Armes & powder

Produced Bill of Loading for 70 Barlls of Gunpowder and two Bundles of Guns for Accot of Collonell Lionell Copley Governor of Maryland Shiped by Miles fforster Merchant in New Yorke in and upon the Sloope called the Johannis, John Trevet Master whereby was Signified that he had Reced the Sume of 21 pounds for the ffreight thereof. Lib. H. D. Whitehall

Ordered that inquirey be made Whether the Custome Charged by Mr fforster to Governor Copleys Accot for the same should not be Refunded being the Kings Stores.

Order Abt the Custome charged by Mr fforster abt the sd Guns & powder

Ordered likewise that care be taken to send for Eight Barrels of fine powder belonging to this province remaining still in the S'd Mr fforsters hands

Octobr the 12th 1694

Councill Again Sate and was present his Excency in Councill

Mr Tenchs his Motion abt Tryall of the Ship Ann & Order theron

Upon motion made by the Honoble Thomas Tench Esqr relateing to a Shipe of his called the Ann seized this last Sumer by Edwd Randolph Esqr Surveyor Generall of their Majties Customs &ca humbly dessireing that the Same might be either discharged from the s'd Siezure or brought to legall tryall It was therevpon Agreed that the sd ship be brought to Tryall the first day of the next Provinciall Court.

Ordered that the s'd Ship be then brought to a Tryall Accordingly

Octobr the 13th 1694

Mr Wm Taylards Oath Abt delivery of publick papers

Came Mr William Taylard and made Oath before his Excency in Councill that he has delivered up all publick papers and Writtings of any publick import wherein he has been concerned into the Secretaries Office and Unto persons Empowred to receive the Same And that there does not Remaine wth him or any other person by him Intrusted any such papers or Writeings according to the best of his Rememberance and knowledge.

Mr Randolphs defence upon Sevrll depositions and papers produced Against him &ca

Whereas July the 30th last past His Excency in Councill did declare it to be their Majties pleasure that Mr Randolph Surveyor Genll of their Majties Customs should be Admted one of the Councill of this province Unles they had any thing to Offer to the Contrary. And that then were produced by two of the Councill 3 papers Vizt one Under the Seale of the Province of Pensilvania Shewing that Mr

Lib. H. D. Randolph had taken a bribe of Twinty peices of Eight to discharge A person whom he had Ordered to be Sued upon A Plantation Bond fforfieted the other two depositions of hearsay and not upon the Knowledg of either of the Depon^{ts} but the rest of the Councill not seeing Cause why their Maj^{ties} Orders relateing to M^{r} Randolphs Admittance ought not to be Observed He was Admitted and sworne of the Councill Accordingly His Exec^{ncy} Comanding that Authentick Coppys of the s'd Papers should be sent to the Hono^{ble} the Comissions^{rs} of their Maj^{ties} Customs in the Port of London.

M^{r} Randolph haveing Rece^{d} Coppys of the Aformencōned papers hid humbly move to make his defence and thereupon
p. 76 produced Sev^{r}ll papers Atested to be Originalls As alsoe Atested Coppeys of Letters relating to his defence w^{ch} were allowed of in Councill and he alsoe prayed further time till he could have an Attstation from Under the Seale of the Governm^{t} of New York Relateing to his prosecuteing upon the Aformencōnd forfieted plantation Bond.

Whitehall At a Councill held Octob^{r} the 17th 94:

Present

His Exec^{ncy} the Governor & all the Members of their Ma^{ts} Hono^{ble} Councill.

Goverrs demand what money Sr Edmond Rece^{d} from this Governmt

His Exce^{ncy} demands of the Board what Money his Exce^{ncy} S^{r} Edmond Androse Received from this Governm^{t} and upon what Acco^{t} Given to w^{ch} the Gentlemen of the Counc^{ll} make Answer that he had 500^{lb} Ster^{r} paid him by this Governm^{t} the w^{ch} was done in Manner following Viz^{t} That his Exce^{ncy} the last time he came over to this Governm^{t} w^{ch} was begining of May last calling for an Acco^{t} from their Maj^{ties} Receiver and Navall Officers of the Revenue belonging to this Governm^{t} w^{ch} being produced and perused he finding at that time a certaine banck
Whitehall and fund of Money Remaining in their Maj^{ties} Receivers hands did Say that he believed the Revenue of this Governm^{t} was as Large as that of Virginia and therefore hoped that he might be considered for his Services here & Expenses disbursed in Undertakeing that Journey w^{ch} he said had been exterordinary and to the hazard of his life proposing that ffour or ffive hundred pounds might be Ordered him out of the said Revenue Whereupon ffive hundred pounds Ster^{r} was Ordered to be paid him by their Maj^{ties} Receiver out of the 15^{d} p hogshead

An Accot of Sr Edmonds Expences dureing his stay in this Governmr &ca

Then was produced at the Board the two following Accots of Expences disbursed by his Excency Sr Edmond Androse at his twice coming over to this place the wch were Sworne to in Councill and are as follows Lib. H. D.

His Excency Sr Edmond Androse At his first comeing in ybr 1694

1694

	lb	sh	d
ybr 25th To his Expences at my house	60	00	00
To his Expences last May at my house	30	00	00
To a Bill paid that was never Entered in the Booke	06	00	00
Octobr the 17th 1694 totall	96	00	00

Sworne to in Councill

Miles Burrough
Hen : Denton
Clk Councill

Whitehall

Sr Edmond Androse Dr

	lb	sh	d
May 2d 1694 14 dyett	01	01	00
4 bottles of Wine	00	10	00
2 Tankards beer & sugar	00	02	00
1 tankard beer	00	00	09
1 Gallⁿ Do	00	02	00
1 tankard beer	00	00	09
to Sevrll Lodgeings and the use of the Councill Roome	01	14	00
To Sevrll Expences paid me by Mr Perry	01	08	00
	4	18	06
Paid to the Servts	00	09	00
to Expcs not charged	00	12	00
	01	01	00

Pr Contr Credr

p. 68

	lb	sh	d
By Money paid	04	18	6

Errors excepted Garrtt V: Sweringen

Whitehall

On the backe of the Accot was thus indorsed
Octobr the 17th 1694

Came MrGerrard Van Sweringhen and made Oath in Councill that the above is a true Accot of what his Excency Sr Edmund Androse expended (upon his Accession to this Government) at his House in two Journeys made hither

Sign'd p Order
Hen: Denton

Lib. H. D. Goverrs Severall demands relateing to Sr Edmond Androse

His Excency does demand wch way the S'd Sr Edmond came over and wch way he made his returne To wch is Answered that the first of his coming over was cross Potomocke River to this City of St Maries directly and that he went by Land to Majr Sewalls at Petuxent wch is about twelve miles from the S'd City and from thence went on Board their Majties ffrigott the Henry Prize and So returned to Virginia.

Whitehall That his Second comeing was from Virginia in a Boat Cross Potomock River to the City Afsd wch is about Six Leagues and returned the same way back again. His Excency does further demand whether the S'd Sr Edmond did at either the Same times comeing Over take any View of the Militia or do any publick Act besides what Appears in the proceedings of the Journall of the Councill and whether he brought wth him any Sort of Strong Liquors To wch the Gentn of the Councill make Answer that the S'd Sr Edmond went not so much as out of St Maries Save in his goeing to Majr Sewalls in his Returne backe to Virginia and that no publick act was by him done other than what in the Journall of the Councill is Afore expressed And that he brought no strong Liquors wth him

Whitehall p. 69 Produced and read Coppy of a Letter of the 16th of August last writt to his Excency Sr Edmond Androse by Georg Plater Esqr their Majties Collector and Receiver as also Sr Edmonds Answer thereto the 31st of the s'd month Ordered that the S'd Letters be entered in the Journall of this Board Vizt

Petuxant in Maryland August 16th 1694

May it please Yor Excency I lately Received a Letter from the Honoble Willm Blathwaite Esqr Auditor Generall of America Dated at Whitehall the 19t day of April 1694 Whereby I am Comanded to render a State of my Acco[t] of their Majties Revenue by me Collected to his Excency Collr ffrancis Nicholson our Governor who is directed by their Majties to return to England the full Acco[t] of their Majties Revenue wth in this Province ever since the Revolution and alsoe to State the same here (pursueant to my duty) I have rendered to his Excency and Acco[t] of payments made out of their Majties Revenue as also what hath been by me Collected for their Majties Use here and doe find a difficulty and obstruction in passing that Article of ffive hundred pounds Sterr paid Yor Excency when last here His Excency the Goverenor being dessirous of a further Satisfaction from Yor Self then what I can give him upon what Acco[t] It was paid the Money being Wanted here for Supply of Armes and Amunition pursueant to their Majties Comands besides Sr Thomas is to be Allowed his Sallery as President, I must presume to

Mr Platers Letter to Sr Edmond Androse

Whitehall

press upon Yo^{r} Exce^{ncy} for a full and a Satisfactorey Answer being my self lyable to pay that Money Unless Yo^{r} Exce^{ncy} pleases to Hono^{r} me wth A Lyne intimateing your right thereto I Begg an Answer by the Bearer Cap^{t} Meeck not doubting Yo^{r} Exce^{ncis} Justice in the Vindication of the payment by me made or taking effectuall Care that noe injury thereby is done to Lib. C. B.

Yo^{r} Exce^{ncis} most Obed^{t} humble
Serv^{t}
George Plater

Answer to the S'd Letter Viz^{t}
Virginia the 31st of August 1694

Sr Edmonds letter to Mr Plater Whitehall

S^{r} I received Yo^{rs} of the 16th the 29th Instant w^{ch} I would not have thought from You I presume as soone as thought you were Satisfyed was Effectually Answered at first in Yo^{r} Owne hands however would not Omitt this and Am

This Letter was directed to George Plater Esq^{r} their Maj^{ties} Attor^{ney} Gen^{ll} & Coll: of Petuxant &c.

Yo^{r} frend & Servant
Ed: Androse

Mr Cheseldyns Representation abt the Comissarys Office

The Humble Representation of M^{r} Kenelem Cheseldyn their Maj^{ties} Comissary Gen^{ll} of this Province Seting forth that he primarily was Admitted into the S'd Office by Comission from his Exce^{ncy} S^{r} Edmond Androse and being Informed Since the Arrivall of his Exce^{ncy} Coll fran^{cs} Nicholson that one Doctor Payne of London hath by Petit^{n} to their Sacred Maj^{ties} obtained from his Exce^{ncy} A Grant of the S'd Office So farr as the Laws and Constitutions of this Province will permit but that he hath no wayes as yet qualified himself or any other person according to the S'd Laws and constitutions to receive the S'd Grant or Office at the S'd Office in Maryland nor doth any Legall Comission as yet Appear Therfore prayes that the S'd Doctor Payne may produce a legall Comission (if any) to Supersede that of the Petitioner or that his Exce^{ncy} till such Comission Appear from Doctor Payne will soe far Ascertain the S'd place Unto him or any other his Exce^{ncy} in his wisdome shall thinke fit that so they may be Incouraged to perform the Duties the Law requires in the S'd Office w^{ch} cannot be left voyed wthout Occassioning great Defect of Justice. p. 70

Order abt Comissarys Office

This Board haveing well considered the Severall particulars in the Representation, And forasmuch as one of the persons deputed by the s'd Doctor Payne is dead and the other absolutely Refuses to be concerned

Lib. H. D. therwith it being a Judiciall Office Ordered therupon that Mr Kenelem Cheseldyn the Petitioner continue to Act in the S'd Office as formerly Until further Order or Untill their Majties pleasure be knowne therein But whereas Complaints have been made that some of the Deputy Comissarys have been guilty of extorting Unjust ffees from the People the said Mr Cheseldyn therefore is hereby Required to take care that his Deputies conforme themselvs in takeing of ffees According to Law his Excency being well Satisfyed as to his part

Mr Kenelem Cheseldyn continued Comissary

Whitehall

October the 17th 1694.

Produced again and Read the Vote of the House of Burgesses relating to Wm Burley and George Mason prisoners now under the Sentence of Death,

This Board doe Agree with the Vote of the sd House, and all the Lawyers in Town appearing at the Board to Advize whether the Law will admit of Bayle in Such Case, and whether an Act for the sd Purpose might be proper to pass; To which they are of Opinion that they may be set to Bayle upon Soe Speciall a Case as this and that the Same will be best to be Done without an Act Then it is Demanded by his Excncy what Bayle is most proper to be taken, to which was answered that the best way that Can be taken is that they bring two persons who will Enter into Recognizance body for Body that the sd Prisonrs shall be forth Coming when Called.

Ordered that the sd Prisonrs be set to Bayle they bringing two persons to morrow morning before this Board and House of Burgesses that will enter into Recognizance body for Body for the sd Mason and Burley's appearance when Called.

Whitehall

At A Councill held &ca Octobr 18th 1694

Present

His Excncy the Governr and all the Members of their Majties Honoble Councill except Mr James ffrisby.

Navall Officers Appointed up the Bay Whitehall

Ordered that there be three Navall Officers Appointed in the uper part of Chessiopeak Bay, Vizt in Cæcill County at the head of the Bay Collonell Willm Pierce at Oxford Towne in Talbote County Mr Thomas Smithson and at An-Arundell Towne in An Arundell County Capt Richard Hill. Came Colln William Pierce and Capt Richard Hill two Navall Officers as above Appointd

who had Administred unto them the Oaths Appointed by Act of Parliam^t instead of the Oaths of Allegiance and supremacy as alsoe the Oath of Trade & Navigat^n and Subscribed to the Test. And forasmuch as M^r Thomas Smithson the other Navall Officer Appointed is sicke soe th^t he cannot Attend to take the S'd Oathes it is Ordered therfore that the Hono^ble S^r Thomas Laurance and Edw^d Randolph Esq^r Administer the Same unto the s'd Smithson fforme of a Navall Officers Comission then produced at the Board and Read and Approved off it was Ordered that the s'd persons be Comissionated accordingly. Lib. H. D.

Coll Pierce & Capt Hull sworne Navall Officers

Whitehall

Order Abt Collection of Tobo from Taxabls not Inlisted

Upon Representation of Cap^t John Cood that the Constable of S^t Clements hundred in S^t Maries County has not made A Just returne of the List of Taxables of the same Viz^t in Returning fewer than in the s'd Hundred is contained Ordered thereupon by Advice in Councill that the Severall & Respective Sheriffs of this Province take care to make diligent inquiry and Examine into the List of Taxeables by the severall and Respective Constables Returned and where they doe find any such defect as Aforementioned that they leavey the same quantity of publick Tob^o from every Tyathable person soe neglected to be Returned in as large and ample manner as if they had been Actualy Returned and the s'd Tob^o Soe over and above collected to secure and pay unto his Exce^ncy or Order.

Capt Hurles Petn for allowance abt Tryall of the prize ship Whitehall

The Petition of Cap^t Jn^o Hurle read, therein humbly praying Allowance to be made him for the Sume of 17^lb 2^s 05 ster: being the ffifth part as he Alledges due for the Expence and charges he has been at about the Tryall & Condemnation of the prize Ship and Appointing the goods thereof. p. 78

To w^ch this Boad does Say that they can at present doe nothing therein Untill their Maj^ties pleasure be knowne or advice Rece^d from the R^t Hono^ble the Lords of the Admiralty

Coll Robotham & Coll Greenberry Appointed Judges of the Admralty

Ordered that the Hono^ble Collonell George Robotham be constituted Judge of the Court of Admiralty for the Eastern Shore and Collonell Nicholas Greenbery for the Western Shore and that Henry Denton & Thomas Collyer be continued in their Comissions of Register & Marshall of the s'd Court on the Western Shore.

Councill ordered to recomend Rangers &c^a

His Exce^ncy Recomends to the Gentlemen of the Councill liveing on the Western Shore to signifie what persons will be proper to Appoint to Command the Rangers and who will be fit Men for Souldiers pursuant

Lib. H. D. to the Act of this Province and to send An Acco^{t} of the same to his Exce^{ncy} wth all convenient Speed

Gover^{rs} Orders to the Councill in Case of Insurrection

His Exce^{ncy} does likewise Recomend to the Gentlemen of the Councill in Generall that they take all possible care (in case of invassion of fforaigne Indians or insurrection by Indians or others w^{ch} God forbid) for Raiseing forces to opose the same and send imediate notice thereof to his Exce^{ncy}

His Exce^{ncy} demands of the Board whether they thinke it will be Necessary to Appoint Rangers before the time limited by the Act to w^{ch} is Answered that they doe not see at present any Occassion for so doeing—His Exce^{ncy} is pleased to say that he will take a View of the ffrontiers himself (God Willing) at the time prescribed for the Rangers goeing forth. His Exce^{ncy} does further demand of the Gentlemen of the Councill to consider if they have any thing else to propose or Offer either for the Service of their Maj^{ties} or the Countrey to w^{ch} they make Answer that at present they know nothing further to propose.

Hen : Denton C of Concil

October the 18th 1694

Com̄ission Issued constituting M^{r} Cheseldyn Com̄issary

M^{r} Cheseldyn appearing at the Board humbly desires his Exce^{ncy} (Seeing he is favourably continued in the Office of Com̄issary) that Com̄ision may Issue Under the Broad Seale for the Same.

Ordered that a Com̄ission Issue Accordingly to continue dureing pleasure Whereupon was prepared a Co^{m}ission pursuant thereto w^{ch} being read was Sign'd by his Exce^{ncy} and passed the Broad Seale of the Province.

October the 18th 1694

Came before the hon^{rble} S^{r} Thomas Laurence Barron^{t} and Colonel Nicholas Greenberry, two of their Ma^{ts} Justices of the prov^{ll} Court, Charles Carroll and John Eavans Genl. who did, in the presence of the Generall Assembly Undertake body for
p. 20 Body that W^{m} Burley & George Mason (prison^{rs} under Sentence of Death for the Murther of M^{r} John Payne) Shall appeare and be forth coming to Stand and abide their Sacred Ma^{ts} determination whensoever they shall be thereunto Required by his Ex^{ncy} the Governo^{r}, with which they both declared themselves Contented.

Octob^{r} the 19th 1694 Lib. H. D.

Mr Tho: Smithson Sworne Navall Officer for Oxford Towne

The Hono^{ble} S^{r} Thomas Laurance Barron^{t} and Edw^{d} Randolph Esq^{r} pursuant to the Order of this Board did Administer the Oaths Appointed by Act of Parliam^{t} instead of the Oaths of Allegiance & Supremacy as alsoe the Oath of Trade and Navigation unto M^{r} Thomas Smithson Navall Officer appointed for Oxford Towne who likewise Subscribed to the Test

Hen: Denton C of Concil.

Memorandum that whereas Samuell Dryer of An-Arundell p. 79
County and Susanah his wife did on the 6th day of Octob^{r} last humbly Sett forth to this Board that she the s^{d} Susanah was by a certaine Order of Councill bearing date the 6th of May Anno: 1693 Rendered Uncapable of haveing her Oath taken to be good evidence in any Matter or thing wthin this province and therefore prayed Some consideracōn might be had relateing thereto whereby the S'd Order might be set Asside and she restored as formerly w^{ch} was Granted her, and Order Accordingly Indorsed Upon the backe of her Petition; but the sd Pet^{n} by Accident being since lost, It was Ordered as follows Viz^{t}

By his Excen^{cy} the Governor & Councill &c^{a}
Octob: the 6th 1694

Ord^{r} about Susannah Dryers Oath

Ordered that An Order of his Excen^{cy} and Councill bearing Date the sixth day of May Anno 1693 relating to the invalidating the Oath of one Susanah Dryer Wife to Sam^{ll} Dryer of An-Arundell County be totally and for ever set Asside disanulled and made Voyd so that by means of any thing in the S^{d} Order contained she be nowise rendered incapable of haveing her Oath taken in any Court or before any Justice wthin this province

Signed p Order
Hen: Denton C of Concil

Whitehall Novemb^{r} 7th 1692

Lre to Governor Copley from Secry of State in favour of Vorsman & al.

S^{r}

The King being informed that M^{r} Vorsman, Moll, Danckers, De la Grange, Bayert and some others, whose fidelity & affection to his person and the Governm^{t} his Maj^{ty} is well assured do live peacebly and religiously together vpon a plantation on Bohemia River, and the said persons being in some Respect strangers, may at one time or other stand in need of your particular protection and favour; His Maj^{ty} has commanded me to signify his

Lib. H. D. pleasure to you that you do Give them the same on all just & reasonable occasions, to the end they may, as others his Mat^{s} good Subjects Enjoy all possible peace and quietness in the Managem^{t} of their private Affairs and concerns. I am

S^{r} Your most humble Servant

Nottingham

The said L^{re} was thus directed ffor

Lion Copley Esq^{r} Captain Generall & Governo^{r} in Chief of Maryland in America,

p. 80 At a Councill held at the Councill Chamber within the City of S^{t} Maries the Eighth day of November, in the Sixth year of the Reign of our Soveraign Lord & Lady King William & Queen Mary Annoq Domini 1694.

Present

His Excellency ffrancis Nicholson Esq^{r}

The Hono^{ble} { S^{r} Thomas Laurence Baronet Secry; Thomas Tench Esq^{r}; Edward Randolph Esq^{r} }

Attorneys consulted about the New Provll Comission what to be done, for want of the President to whom dedimus is directed

Whereas the Provinciall Court of this Province was by Proclamation Adjourned vntill the Sixth day of November instant, And forasmuch as a New Commission for holding the said Court by Order of his Ex^{ncy} and this Board hath been issued wherein and whereby Robert Smith of Talbot County Esq^{r} Speaker of the House of Burgesses is appointed and constituted Chief Judge of the said Court and therein especially Authorized to be sworn by Robert Mason & John Watson Esq^{r} to w^{ch} three persons the Dedimus potestatem was Especially directed, but the said M^{r} Smith, through stress of Weather as is reasonably supposed not being able to pass over the Bay, And sufficient Number of their Maj^{ties} Hono^{ble} Councill likewise not coming whereby the said Court might be Enabled to sit by Vertue of the old Commission; therefore taken into consideration what proper Methods to make Use off in such an Exigent of Affairs; Wherevpon was sent for what Attorneys were in Town to Advize about the premises, And Accordingly appeared M^{r} Attorney Generall, M^{r} Cheseldyn M^{r} Dent, M^{r} Clarke and M^{r} Watkins, And the Matter being stated to them by his Ex^{ncy} They do Answer that the Court may be further Adjourned by the old Commission vntill to Morrow Morning, And therevpon Ordered that

the same be Adjourned Accordingly And that at the same time the Cryer give Notice for the satisfaction of the Countrey, that if the said M^r^ Smith Chief Justice &c^a^ does not come by that time his Ex^ncy^ (God willing) to Morrow Morning will in person come into Court and swear the new Justices appointed, now present in Town. Lib. H. D. p. 81

Petition of Capt Hurles Seamen about the ffrench prize

Petition of severall of the Seamen & Saylours belonging Unto the ship Providence of London, Cap^t^ John Hurle Comander therein setting forth that they had hazarded their Lives in taking a ffrench Prize which before a Court of Admiralty within this Province had been legally brought to Tryall and condemned, therein praying to know what share of the said Prize they might legally Claime And further that there were not left above ffifteen fighting Men and Seaven ffrench Men on Board the said ship whereby they thought themselves not capable to withstand the least Privateer, therefore likewise prayed to know vnder what Convoy they were likely to go and how their Wages might be secured.

This Board having seriously taken into consideration the Case of the Petitioners Do say that as to the first they know not what part of the said prize ship does properly belong Unto them, being forced to have Recourse to the Admiralty Court of England for the Officers ffees about the Tryall of the same and therefore Referr them to be Relieved in England; As to their Sayling, if they had been ready sooner they might have gone vnder their Maj^ties^ Convoy But that now there was Orders for all the ships in the Countrey to Sayle And that Cap^t^ Hurle their Commander had here in Councill promise to Exchange two of his ffrench men for two English hands, and should take care to see their Wages & all other Matters honourably discharged Ordered therefore that the Petition^rs^ proceed on their voyage with Cap^t^ Hurle their s^d^ Commander vnder the pains & penalty which by their Refusall may fall thereon.

Lib. H. D. p. 82

At a Councill held at the City of S^{t} Maries the Tenth day of Novemb^{r} A^{o} 1694.

Present

His Exceliency ffrancis Nicholson Esq^{r}

The Hono^{ble} { S^{r} Thomas Laurence Baron^{t} Sec^{r}ry; Thomas Tench Esq^{r}; Edward Randolph Esq^{r}

Collectors of Petuxt Potomock & Pocomoke make Oath to y^{r} Accts to the penny p pound

Came George Layfield Esq^{r} and produced to his Ex^{ncy} in Councill a Commission constituting him Comptroler and Surveyo^{r} of all the Duties &c^{a} arising in Maryland together with certain Instructions relating thereto; Wherevpon the said George Layfield brought likewise before his Ex^{ncy} George Plater Esq^{r} & M^{r} Philip Clarke Collectors of Potomock & Petuxnt Districts, who severally produceing certain Acco^{ts} of the Duty of the penny p pound by them Collected & Received within the said Districts made Oath to the same accordingly, M^{r} Layfield also making Oath to the said Duty by him Collected within the District of Pocomoke.

The aforementioned Commission & Instructions are as follow. Viz^{t}

M^{r} Layfields Commission of Comptr & Surveyo^{r} &c^{a}

To all People to whom these Presents shall Come Wee the Commissioners for Managing & Causing to be Leavyed and Collected his Ma^{ts} Customs Subsidies & Duties in this his Kingdom of England send Greeting know Yee that Wee the said Commission^{rs} by Virtue of an Act of Parliam^{t} made in the 25th year of his late Maj^{ts} Reign, Intituled, An Act for the Encouragem^{t} of the Eastland & Greenland Traders, and for the better securing the Plantacō̄n Trade, And in the Pursuance of the Authority & Direction to Vs Given by the Right Hono^{ble} the Lord High Treasurer of England Have Deputed & Empowered and Do
p. 83 hereby Depute and Impower George Layfield to be Comptroler and Surveyo^{r} of all the Rates, Duties and Impositions arising & Growing due to his Majesty in his Province of Maryland by Virtue of the said Act Whereby he hath power to Enter into any ship, Bottom, Boat or other Vessell, as also into any shop, house Warehouse, hostrey or other place whatsoever to make diligent search into any Trunck, pack, Case, Chest, Truss or any other parcell or package whatsoever for any Goods Wares or Merchandize prohibited to be Exported or Imported or whereof the Customs or other Duties have not been duly paid, And the same to Seize to his Maj^{ts} Use, And

also to put in Execucōn all other the Lawfull Powers and Authorities for the better managing and Collecting the said Duties, in all things proceeding as the Law directs hereby praying and Requiring all and every his Majᵗˢ Officers & Ministers and all others whom it may concern to be Aiding and Assisting to him in all things as becometh Given vnder our hands & Seal at the Custom house, London this 19ᵗʰ day of March, Anno Domini, 168⅘. Lib. H. D.

Jo Werden J Butler J Buckworth, W Dickinson On the back of the sᵈ Commission was thus written Vizᵗ

At a Councill Novembʳ 19ᵗʰ 1686

Maryland ss: Came Mʳ George Layfield and produced the within Comission and here made Oath vpon the holy Evangelist, that since the said Commission hath Come to his hands he hath to the best of his skill well and truly Executed the said Commission And likewise that for the future he will to the best of his knowledge well & truly Execute the said Commission according to the true intent & meaning thereof.

Jam Heath C of Concil

The Instructions follow.

Instructions by the Commissionʳˢ for Managing & Causing to be Leavyed his Majᵗˢ Customs, Subsidies & other Duties in England to George Layfield Compᵗʳ & Surveyoʳ of all the Rates, Duties & Impositions Arising and growing due to his Maᵗʸ in his Province of Maryland by an Act of Parliamᵗ made in England in the 25ᵗʰ year of his late Maᵗˢ Reign. p. 84

1: Whereas in pursuance of the said Act made in the 25ᵗʰ year of his late Majᵗˢ Reign, Intituled, An Act for the Encouragemᵗ of the Eastland and Greenland Trades and for better securing the plantation Trade Wee have by Direction of the Right honoᵇˡᵉ the Earle of Dorchester Lord high Treasurer of England, Deputed Nehemiah Blackiston to be Collector of all the Rates, Duties & Impositions in his Maᵗˢ Province of Maryland, And for the better Leavying and Collecting thereof and Accounting for the same We have by the like Authority and direction Deputed you to be Comptroler and Surveyoʳ of the said Rates, Duties and Impositions in the said province of Maryland, And because the said Act hath settled the Collection of the said Duties vnder such penalties as are inflicted for Non paymᵗ of or defrauding his Maᵗʸ of his Customs in England, Wee herewith deliver to you a Book of Rates wherein

Lib. H. D. are contained the principall Laws for Managem^{t} of the Customs in England, and also the principall Laws relating to the Plantacon Trade, Viz^{t} The Act of Navigation made in the 12th year of his late Ma^{ts} Reign and the aforesaid Act made in the 25th year of his said Ma^{ts} Reign for better securing the Plantacon Trade; And you are to Conforme your self to the severall Rules for Managing the Customs here according to the said Laws wherein the same are practicable with you.

2: You are before you Enter vpon this Imploym^{t} to take an Oath before the Governo^{r} or Dep^{ty} Governor of Maryland for your true and faithfull discharge thereof; And whereas there are severall Rivers for the Collection of the said Rates, Duties and Impositions in the said Province of Maryland where you cannot be your self, You are to have a sufficient Deputy (for whom you will answer) in each of the said Rivers or places to Attend the Execution of your Imploy And you are your self or your Deputy with the Collector joyntly to Signe one of the two Bills of Entry brought in by the Merchant of all such Enumerated plantacon Goods as shall be Entered by him, which is to be a Warrant to you or your Deputy to Examine the Goods by And you are from time to time to inspect the Books of Entries and Accompts of the said Collector to see that due Entries be made of all Warrants Granted by him And to take care that no greater quantity of Goods be shipt than for what there is a warrant from the said Collector And if more Goods be shipt than for which the Duty shall be paid or Agreed for You are to Seize & prosecute the same according to Law.

4: And if any of the said Goods chargable which the Duties imposed by the said Act of the 25th year of his late Maj^{ties} Reign shall be loaden on Board any ship or Vessell before the Master of such ship or Vessell hath made Entry thereof according to the Act for preventing ffrauds and the Statute made primo Eliz: Cap: II. Such Master is lyable to the penalty of One hundred pounds by virtue of the said Laws.

5: And Whereas the Act made in the 22^{d} & 23^{d} years of his late Maj^{ts} Reign for Regulating the Plantacōn Trade is Expired you are to take Notice that ships may give Bond according to the aforesaid Act of Navigation to Return to England or Ireland; But you are also to take Notice that the said Act of the 25th of the King imposeth the Duties therein mentioned vpon the Enumerated plantacōn Goods in Case they be loaden before Bond be Given to bring them to England, Wales or Berwick and to no other place, That therefore where the Bond given before Lading shall be to Carry
p. 86 the said Goods to England or Ireland or any other of his Ma^{ts} Plantacōns That all such Enumerated Goods are lyable to the

paym^{t} of the Duties imposed by the said Act, And you are to take Care that the same be Collected accordingly And that none of the enumerated Goods which shall be pretended to be loaden on any of the shipping that having Given Bond to go to England, Wales or Berwick and to no other place be vnder that Colour stollen on Board ships that have given Bond to go to England or Ireland or some other of his Ma^{ts} plantacōns and so evade the Duties Chargable by this Act; To which End it will be necessary for you & your Deputies not only frequently to Visit such Ships and Vessells which have not before lading given Bond to go to England Wales or Berwick & to no other place; But also where you find it necessary, You are with the Collector joyntly to put Men on Board to take an Account of the Enumerated Goods laden on such Ships, which Accompt you or your Deputy is at the time of Clearing any such Ship or Vessell to Compare with the Collectors Entries & Warrants, And if you find any such Goods on Board for which there is no Warrant as aforesaid You are to Seize & prosecute the same according to Law. Lib. H. D.

6: You are to take Notice that the paym^{t} of the respective Rates & Duties imposed by the said Act of the 25th of the King vpon the severall plantacōn Comodities therein named which shall be shipt or Laden on Board any ship or Vessell for which Bond shall not before Lading be Given to bring the same to England, Wales or Berwick and to no other place doth not give Liberty to Carry the same to any other place than to some of his Ma^{ts} Plantacōns or to England, Ireland Wales or Berwick, And that notwithstanding the paym^{t} of the s^{d} Duties they are to give Bond to Carrye all the said Goods to some of his Ma^{ts} plantacōns or to England, Ireland, Wales or Berwick.

7: You are to take Notice that by the aforesaid Act of Navigation no Goods or Comodities whatsoever are to be Imported into or exported out of Maryland or any other of his Ma^{ts} Colonies or Plantacōns in any other ships or Vessells p. 87 whatsoever but in such ships or Vessells as do truly and without fraud belong only to the people of England or Ireland, Dominion of Wales or Town of Berwick vpon Tweed or are of the Built of and belonging to any of his Maj^{ties} Colonies or plantacōns as the proprieto^{rs} and right Owners thereof and whereof the Master and three fourths of the Mariners at least are English vnder the penalty of the fforfieture and loss of all the Goods and Comodities which shall be Imported or Exported to or from any of the said Colonies or Plantacōns in any other ship or Vessel, As also of the ship or Vessell importing or Exporting the same; And if any Goods shall be imported or Exported contrary thereto, you are to make Seizure thereof as

Lib. H. D. also of the ship or Vessell and prosecute the same as in the said Act is directed.

8: Whereas by the afores[d] Act of Trade made in the 15[th] year of his said Ma[ts] Reign & his said Ma[ts] Proclamation pursuant thereto of the 24[th] of Novemb[r] in the 27[th] year of his Reign no Comodities of the growth, production or Manufacture of Evrope (other than such as are therein excepted) are to be imported into Maryland or any other of his Ma[ts] Colonies or Plantacons, but what shall be bona fide and without fraud laden & shipt in England Wales or Berwick and in ships duly qualifyed as therein directed; You are to Use your Utmost Endeavours for the due observance of the said Act, And if contrary therevnto any ship or Vessell shall import any Comodities of the Growth, production or Manufacture of Evrope (but what are excepted as afores[d]) of which due proof shall not be made that the same were ship'd or Laden in some Port of England, Wales or Berwick, such ship or Vessell & Goods are fforfieted, and you are to Seize & prosecute the same accordingly.

p. 88 9: And for your Pains and Encouragem[t] herein one fourth part of what shall be Collected by Virtue of the aforesaid Act of the 25[th] of the King is allowed to you for your self and your Deputies to be paid to you by the said Collector.

10: ffor the prevention of ffrauds you are to informe yourself whether any ship or Vessell Lade or Unlade any Comodities vntill the Master or Commander thereof have first made known to your Governor or whom he Appoint to that purpose the Arrivall of such ship or Vessell and have shewn him that she is an English built ship or otherwise qualifyed & Navigated according to Law.

11: You are every halfe year to send Us an Account of the Charge & discharge of the Collector And you are to make Oath thereof before your Governor or Dep[ty] Governor to be Attested by him at the ffoot of your Accompt and you are to Signe the same.

12: And for the better preventing of ships trading in the Province of Maryland which by Law ought not to Trade there, you are every halfe year to transmitt to Us a List of all such ships & Vessells, as during such time have Entred both inwards & Outwards in the said Province according to the forme herewith delivered to you.

13: You are carefully to Examine all Certificates which shall be brought to the Governor of Maryland or the person by him appointed to Receive the same of any ships having given Bond for the preventing of false & counterfiet Certificates And as to such ships & Vessells as give Bond to the said Governor or the person by him appointed therevnto You are to take

care that the Sureties therein named be persons of sufficiency Lib. H. D.
and Value and inhabitants on the place, And also to Endeavour to discover whether the Conditions of the said Bonds be performed and Certificates thereof produced, And on failure thereof that they be prosecuted And for this End if any ship or Vessell which hath Given such Bond shall happen to arrive again in Maryland you are to take care that Demand be made of the Master of a Certificate of such ships having discharged her former Lading according to such Bond, And if he produce no such Certificate within a convenient time that such Bond p. 89
be put in process without further delay And in all Cases where Bond hath been given to the Governor as afores[d] if you can discover and make proofe that the ship or Vessell hath discharged her Lading contrary to her Bond such ship or vessell is to be put in process, And if a Certificate be produced you are Enjoyned strictly to Examine the same

Custom house London
15th Aprill Exam[r]

J Butler D North J Buckworth
W Dickinson J Chudleigh

Mr Plater, Mr Layfield & Mr Clarke Sworn Depty Notaries vnder Sr Tho: Laurence Secry

George Plater, George Layfield & Philip Clarke sworn Deputy Notaries vnder the hono[ble] S[r] Thomas Laurence Baronet Secretary for Petuxant, Potomock and Somerset County Districts.

Mr Brisco constituted Navall Officer for Petuxant District &c[a]

M[r] Thomas Brisco Came into Councill who Received his Comission for Navall Officer of Petuxant River, his Ex[ncy] signifying in Councill that all ships going vp that River or the Bay shall Enter and Cleare with the said Brisco, except such as go directly to Ann Arrundell Town, Oxford Town & Cæcill County; Officers being there already Appointed

Mr Muschamp produces Commissionrs Deputacon for Collectorship of Potomock &c[a]

Came M[r] George Muschamp and produced to the Board a certain Letter of the 7th of March 1693 from the Hono[ble] the Comission[rs] of the Custom house, London, Directed to his Ex[ncy] ffrancis Nicholson Esq[r] &c[a] whereby was signifyed, that pursuant to the directions of the R[t] Hono[ble] the Lords Commissioners of their Ma[ts] Treasury they had issued their Deputacōn to the said Muschamp to be Collector &c[a] at Wiciocomoco & Potomock Rivers in Maryland, who accordingly likewise produced the said Deputacon vnder the hands & Seal of the said Commission[rs] Given at the Custom house London the 14[d] day of ffeb[ry] A° $169\frac{3}{4}$

Lib. H. D. p. 90 Ordering before Admittance that he should take the Oath directed by the Act of frauds before his Excellency and to Give Bond with two sufficient Sureties in 500lb penalty; Vpon performance whereof, His Excy does acquaint him he shall be Admitted

At a Councill held at the City of St Maries &ca the 12th day of Novembr Anno 1694.

Present

The Honoble { His Excellency ffrancis Nicholson Esqr / Sr Thomas Laurence Baronet Secry / Thomas Tench Esqr / Edward Randolph Esqr }

Mr Tench constituted Judge of the Admiralty

Edward Randolph Esqr their Majts Surveyor Genll Representing to the Board that this day being the day appointed for the Tryall of the ship Recovery &ca but that having Recd a Letter from Coll Jowles Judge of the Court of Admiralty, of yesterdays Date, which signifyes that he is so sick, that he cannot possibly come down; And forasmuch as the said Mr Randolph sets forth that all his Evidence is in Town and the said ship Requires a speedy Tryall, therefore prays some other person may be Commissionated &ca Ordered that the Honoble Thomas Tench Esqr be Commissionated Accordingly, And the same sent vp to Coll Jowles to pass the Broad Seal, if in Case he himself cannot come down.

Clerks writing out the late Laws to be Allowed a quantum meruit

It being Represented that the Body of the Laws last made are delayed to be sent to the severall Counties for want of Clerks, Two Coppyes as yet being but writ out; Ordered therefore that all Clerks that can be found in Town or others that can Write be imployed immediately to write the same out and that they be paid a quantum meruit for the same by Coll Jowles Keeper of the Great Seal, otherwise it is believed they will not be finished this quarter of a year.

p. 91

November the 13th 1694.

The Councill again Sate and were Present as before.

Mr Wm Dent made Assistant to the Attorney Genll

Mr Attorney Generall Representing to the Board that there is so much Kings Business that he cannot possibly discharge his Duty without some further Assistance Ordered therevpon that Mr William Dent be assistant to him therein in all Matters wherein he is not

already Retained against their Maj^ts^ who being present in Lib. H. D.
Councill did Accept thereof.

Capt Cood, Mr Cheseldyn & Madam Blackiston Order'd to bring in their Accots relating to the publick Revnue &c^a^

Ordered that Cap^t^ Cood, M^r^ Cheseldyn & Madam Blackiston Return an Acco^t^ of what publick Revenue of this Province &c^a^ they are Accountable for, to his Ex^ncy^ either this Night or to Morrow Morning, vpon Neglect or refusall whereof M^r^ Attorney Generall is to make due proceedings against them accoding to Law. Ordered that M^r^ Tench bring in his Account likewise as Administrato^r^ of Governor Copley.

November the 14^th^ 1694

The Councill again Sate, and were Present, as before

Mrs Bourn produces a Book & papers, supposed to belong to shipping, wch she delivered to Mr Randolph

Came Madam Elizabeth Bourn Executrix of M^r^ Sam^ll^ Bourn late Navall Officer of Petuxant District dec^d^ according to Summons sent her by his Ex^ncy^ who brought with her a certain Booke & other Writings, the Contents Unknown, and delivered the same vnto Edward Randolph Esq^r^ Surveyo^r^ Generall of their Ma^ts^ Customs and Dep^ty^ Audito^r^ vnder the Right Hono^ble^ William Blathwayt Esq^r^ being supposed to be Accounts belonging to the Navall Office of that District, And the said Madam Bourn did before his Ex^ncy^ in Councill make Oath that she would further deliver vp vnto George Plater Esq^r^ or other person whom his Ex^ncy^ should Appoint all other p. 92
Books, Writings & Papers any ways relating to or concerning the said Office remaining still in her Custody or which she is or shall be any ways privy to.

Mr Randolph Order'd to Redeliver the Book &c a after pervsall

Ordered that the Hono^ble^ Edward Randolph Esq^r^ after his pervsall of the aforementioned Book & papers do Redeliver vnto the said Madam Bourn or order all papers and Writings that imediately don't concern either their Ma^ts^ or the publick.

Mrs Bourns Pet & Ordr abt Arrears of her husbands Navall Officers ffees

Petition of Elizabeth Bourn Widow Executrix &c^a^ of Maj^r^ Samuell Bourn late Navall Officer of Petuxant District, setting forth that there were still due to her husband from severall Masters of ships severall Sum̄es of Money due to him as Navall Officer of that District remaining still vnpaid, the which she was vncapable of geting without the favour of this Board in Ordering the

Lib. H. D. present Collector of that District to gather the same for her Use, as often as oportunity shall present The said Elizabeth Bourn Ex^rx as aforesaid, Delivering a List of the aforementioned Debts due to the said Maj^r Bourn as Navall Officer of Petuxant District, vnto George Plater Esq^r their Ma^ts Collector of the said District; Ordered therevpon that the said M^r Plater take care to Collect the same accordingly and make payment thereof vnto the abovenamed Madam Bourn Ex^rx as aforesaid.

Laws dd to H. Denton by his Ex^ncy &c^a

The Originall Laws delivered at the Board by his Ex^ncy vnto Henry Denton Clerk in Order to set those persons he has summoned to make Coppyes of the same pursuant to former Ord^r

November the 15^th 1694

The Councill again Sate, and were Present, as before.

M^r Tench sworn Judge of the Admiralty and Receives his p. 93 Comission

Produced at the Board Commission vnder the Broad Seal Dated 13^th of Novemb^r instant signed by his Ex^ncy constituting the Hono^ble Thomas Tench Esq^r Judge of their Ma^ts Court of Admiralty within this Province, the same being presented by his Ex^ncy to the said Esq^r Tench at the Board and was therevpon sworn Accordingly.

M^r Attorney Generall Ordered to prepare a Chancery Commission

Ordered that a Chancery Commission be prepared by M^r Attorney Gen^ll therein constituting the same persons as by this Board were appointed in a former Order bearing Date the day of last past.

Commissions to be drawn to constitute Hen: Denton Clk of the Councill & Clk to the Gov^r & Co^ll for Appeals &c^a

Ordered that Commission be prepared to Constitute Henry Denton Clerk of their Ma^ts Hono^ble Councill within this Province and another Commission to constitute him Clerk to the Governor & Councill for hearing Appeals & Writs of Errour.

Oaths to be framed to be taken by the Judges of the Admiralty Regr & Marshall

Oath for Clk of Appeals &c^a

Ordered that particular Oaths be framed to be taken by the Hono^ble the Judges of the Admiralty and by the Reg^r & Marshalls of the said Court; as also Another to be taken by the Clerk to the Governor & Councill for Appeals &c^a

Governrs Representation abt Madam Blackistons Accot relating to the Revenue &c[a]

His Excellency Representing that he had pursuant to their sacred Maj[ts] Royall Instructions carefully Examined and Stated the severall Accounts of Nehemiah Blakiston Esq[r] their ma[ts] late Receiver and Navall Officer of Potomock District relating to the publick Revenue in his hands &c[a] And finding the said Accounts much perplexed, yet notwithstanding is made Appear to be due from the Estate of the s[d] Blackiston to their Ma[ts] vpon state of the whole matter the Sum̄e of Lib. H. D. Whitehall

the Adm[rx] having delivered Bills to his Ex[ncy] to the Value of One hundred & ffive pounds, seaven shillings & Eight pence st[rl] in part satisfaction of the same for which he had given Receipt to the Administratrix, and accordingly delivered at the Board the said severall Bills vnto the Hono[ble] Edward Randolph Esq[r] Dep[ty] Audito[r] vnder the Hono[ble] William Blathwayt Esq[r] Audito[r] Gen[ll] and George Plater Esq[r] their Ma[ts] Receiver & Attorney Gen[ll] by them to be Negotiated and to Receive the Residue from the Adm[rx] in Tob[o] at six shillings p Cent, it appearing to be a desperate Debt

Mr Tench Order'd to indorse the Bills as Adm[r] to Gov[r] Copley

The said Bills runing payable to Coll Copley late Governo[r] dec[d] therefore Esq[r] Tench Administrator of the said Governo[r] Copley is Ordered to indorse the said Bills for their Maj[ts] Use. p. 94

The List of the Bills is as follows Viz[t]

A list of the Bills of Exchange delivered to his Excellency ffrancis Nicholson Esq[r] by the Adm[rx] of Ne[a] Blackiston late Receiver and Navall Officer of Potomock District in Maryland being in part of the Ballance of Accounts due to their Maj[ts] from the said Ne[a] the said Ballance being (as the Accounts are now stated) 190[lb]: 16[s]: 2[d]: ½

List of Bills of Exchange dd by Madam Blackiston to his Ex[ncy]

	lb	s	d
Imprimis William Chandler on M[r] Thomas Warne & Comp[a] in Plymouth	11	00	00
Ditto on Ditto	04	18	04
John Winsloe on M[r] John Ive Merch[t] in London	13	06	08
Ditto on Ditto	01	11	06
Ditto on Ditto	02	00	00
Jacob Chubb on M[rs] Elizabeth Drady	02	00	00
Ditto on Ditto	04	01	08
Ditto on Ditto	07	14	00
Gustavus Hamilton on M[r] James ffoules Merch[t] in London	12	16	03
Ditto on Ditto	02	00	00
Ditto on Ditto	02	18	04
Ditto on Ditto	03	14	08

Lib. H. D. Thomas Reynoldson Mr Richard Haughton Merchᵗ in Leverpoole — lb s d 16 : 08 : 03
John Lancaster on David Arburknot Merchᵗ in Weymouth — 20 : 18 : 00
105 : 07 : 08

Vnderneath the sᵈ List was the following Receipt.

November the 14th 1694.

Governors Receipt for bills of Exch: dd by Madam Blackiston

Then Recᵈ of Mrs Elizabeth Blackiston Administratrix of the above named Neᵃ the above mentioned Bills Amounting to the Sum̄e of One hundred & ffive pounds seaven shillings & Eight pence, in part of the Ballance above mentioned, by me ffr Nicholson

Vnderneath the sᵈ Receipt was thus written, Vizᵗ

Novembr 15th 1694.

We Acknowledge to have Recᵈ the above Bills of his Exncy according to Ordr of Councill this day.

Ed: Randolph Deptʸ Auditr
George Plater Receivr

p. 95 Governrs Representation about Quarter part of the Revenue Governor Copley made Use off

Whitehall

His Excellency likewise Represents that having Rune through the severall Accounts of the late Governor Copley relating to the publick Revenue in his life time Received, he finds that the quarter part thereof as neare as can be brought Amounts to the Sum̄e of ffour hundred Seaventy One pounds Twelve shillings & ffour pence half penny; for which the Admr of the said Governor Copley must Account; therefore Esqr Randolph and Mr Plater are Ordered to take care therein, and see that due Proceedings be made according to Law.

Governrs Representation about Captᵗ Coods Accoᵗ stated

Whitehall

His Excellency further Represents that having Examined & Stated the severall Accounts of Captᵗ John Cood relating to their Majᵗˢ Revenue does find that there remains in his hands vnaccounted for the sum̄e of ffive hundred thirty two pounds, two shillings and Nine pence, And the said Captᵗ Cood being sent for and appearing does say that it being Court time so that he was obliged to tend the said Court, being Sheriffe, otherwise would have gone home (pursuant to former Ordr) and fetcht such papers whereby he could discharge part or all of the aforementioned sum̄e; Ordered therevpon that the Honoble Edward

Randolph Esq^{r} Deputy Audito^{r} & George Plater Esq^{r} their Ma^{ts} Receiver and Attorney Generall take care to put in process ag^{t} the said Cood, on behalfe of their Maj^{ts} such part of the said sume as he shall not justly discharge. Lib. H. D.

Governrs demand how he would pay the above Debt due to their Mats from Governr Copleys Estate Whitehall

His Excellency demands of Thomas Tench Esq^{r} Administrat^{r} of the said Governor Copley how he would discharge & pay the said Money who makes Answer that he has paid out the said Estate already so farr as he has Assets, and for further satisfaction of his Ex^{ncy} & the Board he Offered the following papers, Viz^{t}

Maryland ss :

At the City of S^{t} Maries, Novemb^{r} the 16th 1694

The Deposition of Thomas Tench aged vpward of thirty year, vpon Oath saith.

Thomas Tench Esqr his Deposition

That this Deponent coming to this City sometime in September, A^{o} 1693 after the Decease of his Ex^{ncy} Lionell Copley Esq^{r} Governor of this Province being at the house of the deceased, Coll Nehemiah Blackiston and M^{r} John LLewellin shewed this Deponent an instrument of Writing which M^{r} LLewellin informed this Deponent was according to the deceased's Order, And he intended to signe and declare it to be his last Will & Testam^{t} but it pleased God to take him to himself before he could accomplish the same in which Writing this Depon^{t} found nominated (as Trustees to take care and Manage the said Governors Estate after his Decease) Coll Nehemiah Blackiston, Coll Nicholas Greenberry, George Plater Esq^{r} M^{r} John LLewellin and this Depon^{t} Coll Blackiston being then Commissary Gen^{ll} could not take vpon him the Administration, M^{r} LLewellin excused himself likewise having so much publick business to do, they perswaded George Plater Esq^{r} and this Depon^{t} (being nominated by his Ex^{ncy}) to take out Letters of Adm^{r}con on the deceased's Estate, accordingly they did, but before they proceeded to Appraisem^{t} S^{r} Edmond Andros Arrived in this Province, and after he was admitted to Act as Captain Generall (as this Depon^{t} was informed) His Ex^{ncy} inquired how Governor Copley had disposed of his Estate, vpon which the eldest Son and heir of the deceased shewed his Ex^{ncy} his ffathers intended Will, vpon pervsall of which his Ex^{ncy} advised the said eldest Son & heir of the deceased or acquainted him it was his Right and in his possession to choose whom he pleased to administer on his ffathers Estate in his & the other Childrens behalfe, as the said Whitehall p. 96 Whitehall

Lib. H. D. Mr Lionel Copley informed this Depont so made void the former proceedings of George Plater Esqr & this Depont; the said eldest Son & heir in pursuance to the advice given him made Choice of Coll Nehemiah Blackiston & this Depont to be Administrators on his ffathers Estate in his behalfe, his sister and Young brother, and signifyed the same to Mr Kenelm Cheseldyn then Commissionated Comissary Genll by his Excncy Sr Edmond Andros; vpon the said Commissary's pervsall of the Will and finding it not to be perfected, he Rejected, Vacated & declared the same to be Void in Law, however Granted Letters of Administracon to Coll Blackiston and this Depont vpon their Giving Oath as the Law directs;
p. 97 the said Commissary Approved of three Judicious Men that were Nominated Appraisers who were by him likewise sworn; When they had Appraised what was brought to their sight & knowledge, they delivered to this Depont an Inventory signed & Sealed by them amounting to the Sume of One thousand One hundred thirty two pound Nineteen shillings & ten pence half penny, Dated the 14th day of October, in a few dayes Coll Blackiston departed this life, then this Depont (as by his Councill was and is advised) became sole Administrator, and proceeded to the paymt of the said Governor Copleys just Debts in the Countrey being duely proved, he having no legall or timely Caution to Reserve any part of the said Estate in his hands for the paymt of any Debt due to their Mats either by Sr Edmond Andros Capt Generall at his first or second coming or (in his absence) the presidents and Councill, or any of their Mats Receivers within this Province Untill this Depont had paid to diverse persons as farr as the Estate was appraised at and Amounted to, as by this Deponts Accompts and Receipts exhibited into the Commissary Genlls Office more fully appears, which is by the Laws of this Province and constitution of the same full and due Administration, as this Depont is by his Councill informed; this Depont further saith that some time in June last past, Esqr Randolph their Majts Surveyor Generall desired or Ordered him to Reserve what Effects of the said Governor Copleys Estate remained in his hands and pay no farther, for there was a Debt due to the King wch was of a higher Nature than any other Debts or to that Effect not declaring by what meanes Governor Copley became indebted to their Majts or in what Sume, but speaking generally; soon after their Mats Attorney Genll caused a Writ to be issued out against this Depont as Administrator of Lionel Copley at their Mats Suit, some time after that, this Depont was served with
p. 98 a Writ of Quominus, as he Understood it to be, by the Order of Mrs Elizabeth Blackiston the Relict of Coll Nehemiah Blackiston their Majts Collector & Receiver for Potomock

District; And now his Ex^ncy Governor Nicholson vpon his strict Examination how their Maj^ts Revenue has been disposed off since the Revolution in this Province finds that Governor Copley had Received vpward of ffour hundred pound more than he ought to have Converted to his owne Use but laid out for Armes and Amunition for their Maj^ts service & defence of this Province as appears by their Ma^ts Royall Instructions to the said Governor Copley to which this Depon^t was altogether a stranger, And before either of these Claimes this Depon^t had fully paid as farr as Assets and duely Administred as aforesaid, And this Depon^t further saith not. Lib. H. D.

Thomas Tench

Vnderneath the same was thus written

November the 16^th^ 1694.

Came the above Depon^t and made Oath before me to the truth of the above mentioned premises

ffr: Nicholson

in p^r^sence of Vs Thomas Laurence Sec^r^ry

Ed: Randolph Dep^ty^ Auditor &c^a^

Maryland Novemb^r^ the 15^th^ 1694

George Platers Deposition touching Administracon of Governr Copleys Estate.

This day came before me George Plater Aged vpwards of thirty years and made Oath on the Holy Evangelist that Nehemiah Blackiston Coll Nicholas Greenberry, this Depon^t and John LLewellin were appointed Trustees by the Hono^ble^ Lionel Copley Esq^r^ in his intended Will which he heard as aforesaid the s^d^Copley Ordered to be writ, but did not live to signe, some time after said Copleys decease, Coll Blackiston being Commissary Generall Granted to this Depon^t & Thomas Tench Esq^r^ Letters of Administracon, but before the Depon^t could proceed to the Execution of said Authority S^r^ Edmond Andros arrived here, by whose means the said Letters of Administracon were made Voyd & the Son & heir of the Deceased advised by the s^d^ S^r^ Edmond Andros to Choose whom he thought good to Administer on his ffathers Estate, in behalfe of himself, his Brother & Sister, as this Depon^t was informed by the heir, According to S^r^ Edmond Andross Advice, the Heir, M^r^ Lionel Copley made Choice of Coll Nehemiah Blackiston and the said Thomas Tench, who, as this Depon^t was informed, had Administracōn accordingly And further this Depon^t saith that this Depon^t never had any

Whitehall p. 99

Lib. H. D. Orders or directions from the said S^r^ Edmond Andros for the stating or making vp their Maj^ts^ Account with the said Lionel Copleys Administrators or any other person for any Sume or Sumes of Money due to their Maj^ts^ though the Estate of the deceased Govern^r^ Copley was on or about the 14^th^ day of October 1693, as this Depon^t^ has been informed, Appraised to the sume of One thousand pounds sterling & Upwards, And this Depon^t^ further saith that Thomas Tench Esq^r^ Adm^r^ of said Governor Copley informed him that he had the beginning of November following paid out of the said Estate Sixteen hundred pounds sterling.

George Plater

Sworn before me the day & year above said.

ffr: Nicholson

in p^r^sence of Vs Thomas Laurence Sec^r^ry

Thomas Tench

Ed: Randolph Dep^ty^ Auditor.

Capt Richd Hill admitted & sworn Depty publick Notary of Ann Arrundell County

Came Cap^t^ Richard Hill of Ann Arrundell County, who having taken the Oaths appointed by Act of Parliam^t^ to be taken instead of the Oaths of Allegiance & Supremacy was admitted & sworn Deputy publick Notary of Ann Arrundell County vnder the Hono^ble^ S^r^ Thomas Laurence Baronet Secretary.

At a Councill held at the City of S^t^ Maries,

Novemb^r^ the 17^th^ 1694.

Present

His Ex^ncy^ ffrancis Nicholson Esq^r^

S^r^ Thomas Laurence Baron^t^ Sec^r^ry

The Hono^ble^ { Thomas Tench Esq^r^ / Edward Randolph Esq^r^

p. 100 Attorneys sent for to Advise about the Courts denying an Appeal in Tryall of Murthlands ship

His Excellency having Rec^d^ Information by the Hono^ble^ Edward Randolph Esq^r^ Surveyo^r^ Generall of their Ma^ts^ Customs &c^a^ and George Plater Esq^r^ their Maj^ts^ Attorney Generall that vpon a Tryall had the 14^th^ past, before the Justices of the Provinciall Court, of the ship Anna Helena of Belfast Samuell Murthland Master, being Tryed for breach of severall Acts of Trade &c^a^ but was acquitted by a Jurye That their Maj^ts^ Attorney Generall did therevpon pray an Appeal to the Governor and Councill of this Province and was denyed the

same; His Ex^ncy therevpon did Order that all the Attorneys in Towne who were not concerned against their Maj^ts in the said Cause should be sent for to Advise with them about the same, And accordingly appeared M^r Kenelm Cheseldyn, M^r Philip Clarke, M^r Samuell Watkins, M^r Griffith Jones and M^r Robert Goldesborough, to whom his Ex^ncy stated the Case, who were of Opinion the King ought not to be debarred an Appeal Lib. H. D.

Afterwards was sent for and Read the information brought against the said ship, and therevpon his Ex^ncy Ordered all the said Attorneys to go & Consult what was proper to be done on behalfe of the King therein, and further to move the Court in that Matter.

Governrs promise in case of condemnation of Murthlands ship

His Excellency is pleased to declare that if the said ship be Condemned he will give his third part towards the building of the ffree schole at Severne.

M^r Geo: Muschamp admitted & sworn Collectr of Potomock District &ca

Came M^r George Muschamp who (pursuant to the directions of a Letter from the Hono^ble the Commission^rs of the Custom house sent to his Ex^ncy and produced at this Board 10^th of November past) Entered into Bond with two sufficient Sureties in the Sume of ffive hundred pound sterl for his due Executing and Officiating the Office of Collector for Potomock District in Maryland, and at the same time had Administered Unto him the Oaths appointed by Act of parliam^t to be taken instead of the Oaths of Allegiance & Supremacy, as also the Oath for the due observance of the Acts of Trade & Navigation as likewise subscribed to the Test p. 105

Attorney Genll Order'd to take care abt Collection of ffines &ca

Ordered that George Plater Esq^r their Ma^ts Receiver & Attorney Generall take care to inspect what Amerciam^ts & ffines are due to their Maj^ts in the Provinciall Court of this Province from the time of the Revolution, as also all ffines in the severall County Courts, And that the same by him be duly Collected; And that all the Attorneys here in Councill this day be likewise consulted what is proper to be done therein, and what Method & course to take about the publick Revenue remaining in Cap^t Coods hands; as likewise give their Advice about the Tryall of M^r Tench's ship called the Anne, for which there is now an Appeal, as also in the Tryall to be had about the ship Recovery Samuell Wilson Comand^r And further that they give their Opinion in the Act for Religion, as to the disposall of the 40^lb tob^o p poll & building of Churches, And to advise in all other Matters & things where their Maj^ts interest shall Require & call for the same.

Lib. H. D. Accounts Exhibited by M^rs Elizabeth Blackiston and sworn to before his Excellency, as follows.

The Impost of one shilling p hh^d for Tobacco's shipped in Potomock District vnder the Charge of Nehemiah Blackiston Esq^r dec^d from the time of the Arrival of his Ex^ncy Lionel Copley Esq^r dec^d late Governor, to the death of the said Nehemiah Blackiston Viz^t

	lb	s.	d.
May 14th 82: hh^ds on Board the ship Ebenezar of Plymouth Thomas Collin Mast^r	04	02	00
89: hhds on Board the Pink Mary of Maryland Wm Black Master	04	09	00
220 hhds on board the ship Reserue of Bristoll	11	00	00
391 Wm Roberts Master			
Carryed to the other side	19	11	00
p. 105 Brought over Viz^t hh^ds 391 To Account Brought from the other side	19	11	00
60: hh^ds on Board the Barque Katherine of Poole Rich^d Tregian Mast^r	03	00	00
74: hh^ds on Board the ship Nathaniell of Bristoll Allexand^r Piney Mast^r	03	14	00
May 30th 45: hh^ds on Board the ship ffriends Agreem^t of Bristoll, Tho: Wills Master	02	05	00
June 19th 280: hh^ds on board the ship George of Plymouth John Carne Master	14	00	00
July the 2d 160: hh^ds on Board the ship Resolution of Plymouth John Luke Master	08	00	00
50: hh^ds on Board the ship Robert & Andrew of Weymouth Henry Mattocks Master	02	10	00
356: hh^ds on Board the ship Rogers of Plymouth Sampson Clarke Mast^r	17	16	00
18 hh^ds on Board the Sloope Success of Burmoudo's Te Smith M^rs	00	18	00
August 1st 154: hh^ds on board the ship Portsmouth John Chubb Mast^r	07	14	00
50: hh^ds on board the Briganteen ffriendship Hen: Hill Mast^r	02	10	00
March 12th 205: hh^ds on board the Golden ffleece, John Jenckins Mast^r	10	05	00
1693: 25th 6: hh^ds on board the Ketch Endeavour of Salem, Tho: Dean Mast^r	00	06	00
April 1st 422: hh^ds on board the ship Loyalty of Liverpool, Tho: Reynalds Mast^r	21	02	00
March 10th 242: hh^ds on board the Briganteen Planter, John Lancaster Mast^r	12	02	00
172: hh^ds on board the ship Adventure of Lancaster Nat: ffetherson M^r	08	12	00

	lb.	s.	d.	Lib. H. D.
173: hh^{ds} on board the Success of Plymouth, Ben Ash Mast^{r}	08	13	00	
242: hh^{ds} on board the Barbados Merch^{t} Cuthbert Sharpless Mast^{r}	12	02	00	
201: hh^{ds} on board the ship Windmill, Nich^{o} Battin Mast^{r}	10	01	00	
26: hh^{ds} on board the Briganteen ffriendship	01	06	00	
52: hh^{ds} on board the ship Jane of Plym^{h} Rob^{t} Edgecomb Mast^{r}	02	12	00	
300 hh^{ds} on board the ship W^{m} Mary, George Martin Mast^{r}	15	00	00	
50: hh^{ds} more on board the ship Resolution, Jn^{o} Luke Mast^{r}	02	10	00	
5: hh^{ds} on board the Sloope Providence, Henry Cookery Mast^{r}	00	05	00	
May 14th 135 hh^{ds} on board the John & Mary, Isaack Jones Mast^{r}	06	15	00	
110 hh^{ds} on board the Portsm: Jacob Chubb Mast^{r}	05	10	00	
3979. Elizabeth Blackiston.	198	19	00	

On the back of the s^{d} Acco^{t} was thus written Viz^{t}

Novemb^{r} 17th 1694.

Came the within named Elizabeth Blackiston & made Oath p. 107
that the within is a true Acco^{t} and that she never Imbezelled any of the pap^{rs} of her dec^{d} husband relating to the publick Revenue of this Province, and that no person had ever any thing to do with any such Papers since his decease, save M^{r} Tench, M^{r} LLewellin, M^{r} Lynes & M^{r} Carss.

Sworn to before his Ex^{ncy} the day & year above^{sd} in presence of the Hono^{ble} Edward Randolph Esq^{r} Auditor & George Plater Esq^{r} Receiver & Attorney Generall

Hen: Denton
C of Concil

1694. The Account of Elizabeth Blackiston, Administratrix of the Goods & Chattells of Nehemiah Blackiston Esq^{r} late Receiver Gen^{ll} of all their Maj^{ts} Revenues in Potomock District in Maryland.

Lib. H. D. Madam Blackistons Accot of the publick Revenue &ca

	lb : s : d
The said Accountant chargeth her self with the Duty of 1s p hhd Exported out of the sd District from the time of the sd Neas Entering vpon the Office of Navall Officer till the time of his death, amounting to the Sume of	198 : 19 : 00
As also with the Moiety of a parcell of Prize Beere Appraised at 16lb 11s 5d	8 : 05 : 08½
As also with the third part of the condemnation of the ship Margaret & ffurniture, Appraised at 291lb is	97 : 00 : 00
The one third part of the Cargo at	153 : 03 : 10
Parcell of Negro's Appraised at 103lb	34 : 06 : 08
	491 : 15 : 02½
The said Accountant humbly Craves Allowance for severall Bills of Exchange, as p List	105 : 07 : 08
She also Craves Allowance for Sallary according to the sd Nehemiah's Commission delivered him the 6th day of Octobr 1692 to the time of his decease, being 17th of Octobr 1693	102 : 00 : 00
She also craves allowance for Money made good to his Excy Lionell Copley late Governr included in his Accot of shipping, placed to the Accot Cr of the Estate	198 : 19 : 00
She also prays Allowance for 13234l tobo in Money at 6d p Cent	039 : 16 : 03
Remains due to their Mats in the hands of the sd Administrx	047 : 12 : 03½

a true Accot Errors excepted
Elizabeth Blackiston

On the back of the foregoing Accot was thus written Vizt

Novemb^{r} 17th 1694. Lib. H. D.

Came the within named Elizabeth Blackiston and made p. 108
Oath that the within is a true Acco^{t} and that she never Imbezelled any of the pap^{rs} of her dec^{d} husband Relating to the publick Revenue of this Province, And that no person had ever any thing to do with any such pap^{rs} since his decease save M^{r} Tench, M^{r} LLewellin M^{r} Lynes and M^{r} Carss.

Sworn to before his Ex^{ncy} the day & year above$^{s d}$ in presence of the Hono^{ble} Edward Randolph Esq^{r} Dep^{ty} Auditor & George Plater Esq^{r} Receiver & Attorney Generall.

Hen: Denton C of Concil

The following Paper was delivered me by his Ex^{ncy} to Enter in the Journall of this Board, Viz^{t}

M^{r} Cheseldyns Cert of what Bills of Exch^{a} M^{r} King made Use off

Of the Bills of Exchange that I had delivered to me by Maj^{r} King he had to his own Use, only Twenty three pounds.

Novemb^{r} 16th 1694 Kenelm Cheseldyn

At the City of S^{t} Maries in the Councill Chamber, November 19th 1694. Mett

His Ex^{ncy} ffrancis Nicholson Esq^{r}

The Hono^{ble} { Thomas Tench Esq^{r} / Edward Randolph Esq^{r}

Esq^{r} Randolph Order'd to inquire abt Custom Charg'd by M^{r} fforster for Arms &c^{a} sent to Govern^{r} Copley at New York &c^{a}

The Hono^{ble} Edward Randolph Esq^{r} Surveyo^{r} Gen^{ll} of their Majesties Customs &c^{a} acquainting his Ex^{ncy} with his designe of going shortly to New York, his Ex^{ncy} therevpon was pleased to give his directions for the said M^{r} Randolphs inquiring into M^{r} Miles fforsters Charge to the late Governor Copley about Arms & Amunition shipped by the said fforster in New York, in and vpon the Sloope called the Johannis, John Trevet, Master Coppy of which Charge attested by his Ex^{ncy} and Originall Bill of loading signed by said Trevet he the said M^{r} Randolph Received from p. 109
his Excellency for the said End & purpose; Ordered that the said M^{r} Randolph make inquiry (pursuant to former Order of his Ex^{ncy} of the 9th of October last past) whether the Custom Charged by M^{r} fforster to Governor Copleys Acco^{t} should not be Refunded being the Kings Stores; And that as to the Eight Barrells of fine powder remaining still in the said M^{r} fforsters hands, the said M^{r} Randolph is likewise Ordered to take care when he comes to New York, for to get the same shipped hither, if he meets with a convenient oportunity to do the same at an easy

Vide M^{r} Miles fforsters Acco^{t} vpon the other side

Lib. H. D. Rate; otherwise to make Sale of the same in New York, if he finds he can dispose thereof for a good price; And that he take good & sufficient bills of Exchange for the said powder (if sold) and bring the same hither for Maryland.

Capt Wm Dent made Navall Officer for Vpper parts of Charles County

Came Capt William Dent, who Received a Commission signed & Sealed by his Ex^ncy^ to be Navall Officer for the vpper parts of Charles Counry, Viz^t^ Begining at Portobacco and so vpwards to the head of the said County.

Mr P: Clarke made Navall Officer from Point look-out &c^a^ to Portobacco

M^r^ Philip Clarke at the same time Received like Commission for being Navall Officer from Point look out to Portobacco, in Potomock River; they both having taken the Oaths appointed by Act of Parliam^t^ to be taken instead of the Oaths of Allegiance & Supremacy as also the Oath for the due observance of the Acts of Trade & Navigation and likewise subscribed to the Test.

The following was a Certificate brought from the Provinciall Court, of M^r^ Thomas Brisco's being sworn Navall Officer there.

Certificate of M^r^ Brisco's being sworn Navall Officer of Petuxant &c^a^

These may Certifye whom it may concern that the Bearer hereof Thomas Brisco of Calvert County Gent hath in open Court taken the Oaths appointed by Act of Parliam^t^ as also the Oath of Navall Officer for Petuxant District, Witness my hand this Tenth day of November, in the Sixth year of their Maj^ts^ Reign &c^a^ Annoq Domini, 1694.

Hen: Wriothesley Clk Cur
Prov^ll^ de Maryland.

Coll Lionel Copley D^r^

		lb	s.	d
p. 110	1692 7^r^ 7^th^ To Sundries as p Acco^t^ Given his Lady	80	11	03
	To Cash paid, Custom, Entry & Portrige for Landing & housing 78 Barrels of powd^r^ & two bundles of Armes	8	03	06
	To Ditto p^d^ Cartage & portrige to Remove it to another place	1	02	09
	To Ditto p^d^ for Storage to the 21^th^ x^r^	3	00	00
	To Ditto for Ditto to the 15^th^ Aprill with Cooperige at 18^d^ p barrell	5	17	00
	1693 Aprill 22^d^ To Cash paid Cap^t^ Privit for ffreight	21	00	00
	To my commission for Receiving & shipping the powder & Guns & being out of my money for almost a year before it can be Received	25	00	00
		144	14	06

Contra . . . . Cr	lb s. d	Lib. H. D.
By his Bills of Exch[a] for £ 80 st[rl] is	100 : 00 : 00	
By 2 barrells of powd[r] missing allowed	12 : 00 : 00	
	£ : 112 : 00 : 00	
Ballance due to Miles fforster	£ : 32 : 00 : 00	
	144 : 14 : 06	

New York the 24th Aprill 1693,
Salvi Errores
Miles fforster.

The Hono[ble] Thomas Tench Esq[r] gave in the following Acco[t] Viz[t]

Maryland Anno 1693. Contra . . . . Cr

	lb s d		lb s. d
Governo[r] Copley his Acco[t] Dr To the Impost of 4[d] p Gall on Rum paid him by Thomas Tench by him appointed Receiver	133 : 13 11	By bills of Exch[a] said Copley remitted the Governor of New York Anno, 1692	38 : 00 : 00
		By the ffreight of the Powder & Armes to New York, Charges there & freight hither as p Mr Miles fforster his Acco[t] Reducing £11 p 2 barrells of powder lost by the Master	72 : 03 : 03
		Sume Pd is £ : 110 : 03 : 03	

Acco[t] of Papr dd out wch to be pd by the publick

Delivered to Mr Cleybourn Lomax by his Excellency, three quire of Paper to write three Coppys of the Journall of the Assembly, and to Mr Nicholas Crouch, at the same time, was delivered three quire more for to write two Coppyes of the late Laws on; And Ordered that Mr Mason deliver two quire more to Henry Denton to write two Coppyes of the Journall of the Councill in Assembly vpon, for which paper the next Assembly is to Allow. p. 111

Rec[d] & made vse of the s[d] pap[r] accordingly.
H Denton C of Concil.

Lib. H. D. Naval Officers ffees of ships Enter'd before Govr^nr Copleys death to be stopt &c^a

Ordered that all the ships that Entered in Maryland before Governor Copleys death, that the Moiety of the Navall Officers ffees be secured & stopped towards the paym^t of the Debt due from s^d Governor Copleys Estate to their Majesties.

M^r Randolph & M^r Plater Order'd to lay Claime in the Commissaries Office to sev^rlls on behalfe of their Mats

Ordered by his Ex^ncy that the Hono^ble Edward Randolph Esq^r Deputy Auditor and George Plater Esq^r their Ma^ts Receiver and Attorney Generall, go down to the Commissaries Office, and lay Claime (on behalfe of their Maj^ts) to the aforementioned Navall Officers ffees, the whole ship Anne, and what shall Appeare to be due above the Appraisem^t

Coron^rs Commissions sent to the severall Counties &c^a

A List of Coroners Commissions signed by his Ex^ncy the Governor the day of 1694 which by Ord^r passed the Broad Seal and were sent to the severall Counties of the Province, as follows, Viz^t

ffor S^t Maries County
Cap^t Edw^d Greenhalgh
Cap^t Thomas Waughop
Cap^t Thomas Attoway

ffor Somerset County
Cap^t John Winder
Cap^t John King
M^r Edm^d Howard
M^r John Browne

ffor Kent County
M^r Thomas Smith
M^r John Coppage

ffor Dorchester County
M^r John Harsewood, and another blanck sent to Coll Hutchins & the Court to fill vp.

ffor Ann-Arrundell County
Cap^t John Worthington
M^r Thomas Odell
M^r Thomas Hewes

ffor Cæcill County
M^r John James, and another Blanck sent to M^r ffrisby & the Court to put in M^r Thackston in the Room of M^r James if he happens to live in the same Division &c^a

ffor Calvert County
M^r Thomas Greenfield
M^r Hugh Ellis
M^r John Hollins

ffor Talbot County
M^r Winchester, and two blanks more to Coll Robotham & the Court to fill vp.

ffor Charles County
M^r W^m Howton & 2 blancks sent to Coll Addison & Court to put in two more in Roome of M^r Hatton & M^r Stone

ffor Baltemore County
Three Blancks sent directed to the Commission^rs of th^t County Court, Empowering them to make vse of as many of them as has formerly been Accustomed in th^t County.

fforme of the Coron^rs Commission Sent to the Severall Counties Viz^t

Lib. H. D. p. 112

William & Mary by the Grace of God King & Queen of England, Scotland, ffrance & Ireland Defenders of the faith &c^a To of County Greeting Wee Reposing speciall Trust and confidence in your fidelity & Care do hereby Constitute & Appoint you the said to be one of the Coroners of our said County of and to Do and performe all such Acts & things as to the office of a Coroner belongeth within our said County You first having taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy as also the vsuall Oath of a Coroner & Test before the Justices of the next County Court to be held within the County afores^d (after your Receipt of this) which you are hereby Required to Do accordingly; Given vnder the Great Seal of our Province of Maryland the day of in the year of our Reign &c^a Annoq. Domini 1694.

At a Councill held at Benedict Leonard Town in Calvert County the 24^th Day of Jan^ry in the Sixth year of the Reign of our Soveraign Lord & Lady King William & Queen Mary &c^a Annoq. Domini, 1694.

Present

His Ex^ncy ffrancis Nicholson Esq^r Command^r in Chief

The Hono^ble { Coll Henry Jowles, Coll John Addison, Cap^t John Courts, Thomas Brooke Esq^r }

His Excellency acqaints the Board that the Reason of calling them together at this time was the Neglect of S^t Maries County Justices in not holding Jan^ry Court last; therevpon produced severall Queries propounded by his Ex^ncy to the Attorneys relating thereto for their Result and Opinion vpon the same, which were Read as follows, Viz^t

Quaries proposed to the Attornies about ffall of St Maries County Court

January the third 1694

Whitehall

The following Quaries propounded by his Ex^ncy to the Attorneys by them to be severally considered and their Opinion thereon Returned with all possible Expedition vnto his Excellency Viz^t

p. 113

1^st In case of a County Courts falling for want of sufficient Number of Justices to Adjourn the same what may be most proper & fit to be done in such a Case.

2^dly How the Court may be Continued and the people have Notice about the method of proceeding therein.

Lib. H. D. 3dly What is to be done in case of persons in Execution or otherwise and in Criminall Matters depending where persons are bound over by Recognizance to appear &c:—

4thly Whether it may not be advisable and to the service of the Countrey for prevention of like Accidents that a Law be made to inflict a severe ffyne vpon every Justice neglecting to come to Courts or refusing to serve when Commissionated, obliging them to sit a certain Number of hours every day and
Whitehall so continue siting vntill every Courts Docquet be fully cleared And that the Clerks of each County be therein likewise vnder a penalty obliged to make constant due Return of the severall ffines & fforfietures thereby becoming due vnto the Provinciall Office in Order for the Attorney Genlls making prosecution thereon &c: And lastly that in the said Law it may be provided for Sheriffes to summons substantiall Grand & petty Jury Men ouf of every hundred to serve at Courts.

5thly What is to be done against St Maries County Justices who have now neglected to hold Court and against such as are not sworn & refused to take the Oaths, whether there be any Law to punish them.

6thly By what Grounds of Law a person may forbid the Banns of Matrimony vpon publication made and whether in such a case if a lawfull impediment do not appear the party grieved may not bring his Action &c:

Then produced the severall Attorneys answers thereto which were likewise Read, the Majority of them being of Opinion that all Actions & process then depending before that Court
Whitehall are thereby discontinued & the Commission fallen for want of adjournmt and that by consequence a new Commission must issue.

Proposed by his Excellency the best way to Redress this Grievance desiring the Gentlemen to give their advice therein, who make Answer their Opinion is that a new Commission must Necessarily issue & therevpon Ordered that Commission
p. 114 of the peace and for Tryall of Causes issue a new out of the Secretaries Office of this Province according to Usuall Custom & forme (omitting the Clause of the Amerciamts the Law having given them to be disposed off as the Commissionrs of the County Courts shall think fit) constituting these following persons Justices & Commissioners for the said County of St Maries, Vizt

Whitehall Kenelm Cheseldyn	Gentl of the Quorum	Wm Asqueth	Gentlemen Justices
Henry Denton		Thomas Beale	
Philip Lynes		Wm Husbands	
Samll Cooksey		Ralph fforster	
Capt Thomas Attoway		Richd Benton	

And that Summons likewise issue directed to the Sherriffe of the said County to give Notice to the said Justices now constituted & appointed that they & every of them be and appear at the City of S[t] Maries the first Tuesday in ffebruary next in Order to put in Execution the said Commission; there being a good Court house & convenient Accomodations for all Suito[rs] & others in that place. Lib. H. D.

S[t] Maries County Justices Ordered to appear &c: to shew cause abt ffall of tht Court &c:

Vpon Representation Ordered by advice that the severall late Commissions[rs] appointed for S[t] Maries County who Neglected to come in November Court to be sworn in obedience to the new Commission then Read and to Meet in January Court last (whereby the ffall of the said Court has been occasioned) be & severally appear before his Ex[ncy] the Governor & Councill at Ann Arrundell Town in Ann Arrundell County the last day of ffeb[ry] next to shew some good cause for such their Neglect, And that they severally bring with them substantiall Evidence who may testifye what Reason they have to give or Excuse to make for the same And to the End due Notice hereof may be given them, the Sheriffe of the said County is hereby Enjoyned to serve this Order vpon each of them respectively with all possible speed Whitehall

It being Represented that abundance of hoggs Cattle & horses &c: do dayly dye in severall parts of this province in great Numbers by meanes of the excessive severity & sharpness of Weather which hath happened this Winter season insomuch that it is to be feared the same may prove very obnoxious and prejudiciall to the healths of the inhabitants & others living within this Province if some speedy care is not taken to Burye them, it is therefore Ordered that proclamation be prepared pursuant thereto which accordingly was done, produced & Read & signed by his Ex[ncy] And afterwards passed the Broad Seale of the Province, the Teno[r] whereof follows in these Words. Viz[t] Whitehall p. 115

By his Excellency

A

Proclamation

Maryland ss.

Proclama-con about burying of Hoggs &c:

Whereas through the Excessive sharpness of this Winter season there hath happened a great Mortality among swine, Cattle and horses &c: they dyeing dayly in great Numbers by means of the extremity of Weather & want of food, insomuch that it is to be feared the same

Lib. H. D. (lyeing so thick dead vp & down the Countrey) may occasion noisome smels and become very obnoxious & prejudiciall to the healths of the inhabitants & others living within this province vnless some speedy care be taken to burye them, for prevention whereof and to the End such speedy & due care may be taken as is meet I have (by and with the advice of their Majesties hono^ble^ Councill) thought fit to Order and Command & I do hereby accordingly Order Charge & Command all Officers Civill & Military within this Province immediatly (after publication hereof made) to give Notice & directions
Whitehall to all and singular the inhabitants living within their severall & respective precincts round about that they forthwith cause all such persons as have hoggs or swine, Cattle or horses &c: lying dead in or about their plantations or Land to burye them out of hand a sufficient depth vnder ground To which End I likewise straitly Enjoyn all and singular the Sheriffes of this province to make publick proclamation hereof (within two dayes after Receipt of the same) in the most publick & convenient places within their severall & respective Counties willing also & requiring all persons concerned to yield due & ready obedience herevnto as they & every of them will answer the contrary at their perill.

Given at Benedict Leonard Town in Calvert County the 24^th^ day of January & in the Sixth year of the Reign of our Soveraign Lord & Lady King William & Queen Mary

God Save King William & Queen Mary.

Ordered that the Burgesses of Charles County have Notice to be at the Assembly to be held at Ann Arrundell Town in Ann Arrundell County the last day of ffeb^ry^ next

p. 116 Inspection of the Records &c: Ordered before Conveyed to Ann Arrundell

Ordered that Robert Mason & John Watson Esq^r^ together with M^r^ Attorney Generall, M^r^ Kenelm Cheseldyn, M^r^ Robert Carvile, M^r^ Charles Carroll M^r^ Philip Clarke & M^r^ Samuell Watkins Attorneys at Law meet at the City of S^t^ Maries the 12^th^ day of ffeb^ry^ next in Order to View & inspect the Record Books, Writings & papers lying at the State house in the severall Offices within the said City And that publick notice be given to signifye that all other persons who are minded may be there & then present, and such papers & Writings as they find to be of no great Use;

Whitehall Ordered that they bundle them vp & lay them by in some safe place and th^t^ Coll Darnall have Notice to be then likewise present and as to all other Records, papers & Writings,

immediate care is to be taken (after an exact List made thereof) for Removall of the same to Ann Arrundell Town in Ann Arrundell County by Land; for the better accomplishm[t] whereof, it is further Ordered, that the Sherriffe of each County through which the said Records are to pass take care to provide Men, horses & other Necessaries fiting to Carrye & Convey the same accordingly; and that the Clerks now intrusted & having Charge of the said Records go with them. Lib. H. D.

M[r] William Dent Attorney at Law is Excused from Meeting at the day & place aboves[d] appointed, by reason of some publick business which will call him away at that time.

County Court Amerciam[ts] to be disposed off by the Comissionr[s]

Ordered that the Commission[rs] of the severall & respective Counties within this province dispose of the Amerciam[ts] in their severall Courts by Law imposed pursuant to the directions of the Act of Assembly of this Province in that case made & provided, notwithstanding a Reserve of the same to their Ma[ts] made in the late Commission of peace &c[a] to each County sent & directed. Whitehall

At the City of S[t] Maries Tuseday
ffeb[ry] 12[th] 1694/5

Ord[r] about manner of Conveyance of the Records to Ann Arrundell

Pursuant to an Order of his Ex[ncy] & Councill of the 24[th] of January last past severall persons thereby appointed to Meet at this place in Order to View and inspect the Records lyeing at the State house. Mett here accordingly at the Councill Chamber. His Excellency being present was pleased to propose what manner of way would be best & safest for conveying the said Records p. 117 by Land, who made Answer that the best way of conveying the same will be vpon horses, in bags covered with hides, and that to go over Point Patience fferry will be the most convenient Road; Ordered therevpon that the Sherriffe of S[t] Maries County provide sufficient Baggs, Cordage & hides to pack vp and put the said Records in, fit for Carriage on horse back, as likewise take care to have a sufficient Number of horses & Men for Guards against Tuesday next to Carrye them to M[r] Beckweths house over against Point Patience afores[d] And that the bags be Sealed vp with the Lesser Seal of the Province, And that the Sherriffe of Calvert County have ready at the day & place aforesaid three or four good Boats well mann'd in Order to Transport them over Petuxant River and there take Charge of the same and keepe strict Centinels

Lib. H. D. over them at nights to secure them from fire or other Accidents; And that the Clerks attending the same lye alwayes in the Roome where the Records are lodged; And further Ordered that when the said Records arrive at Ann Arrundell Town in Ann Arrundell County the Sheriffe of the said County forthwith deliver the said Records into the Charge & Care of the Commission[rs] concerned for Building the State house &c: who are to take Account off and secure the same in the most convenient place they think fit.

Ordered that the severall persons summoned be ready to Morrow Morning early to inspect & take Account off the said Records, and that M[r] Wriothesley, M[r] ffreeman & Stephen Blatchford be imployed in takeing the said Account in writing And that M[r] Taylard, M[r] Grunwin & M[r] Cullen former Clerks in the Offices be sent for.

ffeb[ry] the 13[th] 1694/5

The Gentlemen in obedience to the said Order being accordingly Mett, tooke the following Account, Viz[t]

p. 118

A List of the Record Books in the Provinciall Office, taken ffeb[ry] 13[th] 1694/5

Liber E Records begun 2[d] of August 1642 one leaf torn out ffol 42 & 43	200 ffol
M: M: Records begun 1672 ending A° 1675	639 ffol
S: Records begun 1658 Ending A° 1662	1192 ffol
G: Records begun 1638 Ending A° 1644	not ffolio'd
WC: Writ Booke 1674 Ending A° 1678	195 ffol
I.'I: Records begun 1658 Ending A° 1659	not ffolio'd
G: B: Criminall Booke begun 1676, Ending A° 1683	186 ffol.
W: C: N° 2: Writ Book begun 1678 Ending A° 1679	143 ffol.
N: N: Records begun 1673, Ending A° 1676	77 ffol.
G: G: Record Books for Bonds & Docquets begun 1661, Ending 1664	
HW: M[r] Brittans Book begun 1662, Ending 1663	not ffolio'd
TL: Paper Book of Protests, 1669 Ending 1684	not ffolio'd
K: K: Book in Quarto 1665 for Entering Ships	
A: A: Record begun 1664 Ending 1677	not ffolio'd
D: D: Record Book begun 1691 not ffolio'd	

H: H: M[r] Tulls Book of Records, 76 ffol wanting in Lib: S: S: & begining ffol 77, A° 1686, Ending A° 1689	209 ffol	Lib. H. D.
Z: Book of Protests A° 1663 Ending A° 1674	95 ffol	
R: T: Record Book begun 1688	85 ffol	
S: S: Record Book begun 1688	76 ffol	
WT: Special Record A° 1692 being the Tryall of Abigall Kemball & others		
D: S: N°[A] Record Book begun 1684 Ending A° 1686	623 ffol	
H Journalls of Assembly Anno 1650, Ending A° 1672		
W: C: N° 3: Writ Book Anno 1680 Ending Anno 1682	375 ffol	
I: G: Record Book A° 1683, not ffolio'd		
E: E: Record Book A° 1665 Ending A° 1669	798 ffol	
Z[s] Z[r] Record Book A° 1675 Ending 1679	904 ffol	
W: C: N° 1 Record Book A° 1679 Ending 1684	911 ffol	
B. B: Record Book A° 1663 Ending 1664	524 ffol	p. 119
I: I: Record Book A° 1669 Ending 1673	493 ffol	
I: L: Book of Summons A° 1686 Ending 1693		
B: B: Writt Book A° 1667 Ending 1674	162 ffol	
D: S: Record Book A° 1692 Ending 1693	412 ffol	
E: B: Writt Book A° 1685 Ending A° 1694	203 ffol	
D: S: Writ Book A° 1686 Ending A° 1689	34 ffol	
WH: Book of Laws		
W: C: Conveyance Book A° 1676 to the year 1694	699 ffol	
C: B: Chancery Book begun 1668 to 1671 old & broken	581 pages	
P: C: Chancery Book with Clasps, begun 1671		

Statutes at Large

Copey Henry Wriothesley Clk

A List of the Land Records taken

Eodem die & Anno

A: Provinciall & Lands, Anno 1646 to 1650
B: The same and an Alphabet to both Books 1651-52-53.
F: Records of Lands from 1640 to 1643.
H: Entry of Lands from 1650 to 1655
I & K: Burles 2 books of Rights from 1649 to 1657.
Q Lands 1658
R: Lands 1659
X: Lands 1661 &c[a] to 1663
A: A: Lands 1663

Lib. H. D. C: C: Lands 1664 & 1665
D: D: Lands 1665
E: E: Lands 1665 & 1666
F: F: Lands 1667
G: G: Lands 1667 & 1668
H: H: Lands 1668 & 1669
I: I: Lands 1669
R: M: Lands at the Whore kill 1670
K: K: Lands from 1670 to 1672
W: T: Lands from 70 to 72.
M: M: Lands from 1672 to 1675
p. 120 L: L: Lands from 1673 to 1678
W: C: Lands from 1675 to 1680.
W: C: N° 2: Lands from 79 to 80.
C: B: N° 2: Lands from 80 to 82.
C: B: N° 3: Lands from 82 to 83.
S: D: N°A: Lands from 83 to 84.
WC: N° 3: — 1680
WC: N° 4:
WC: N° 5: 1681
S: D: N° A: 1683 to 1685
N: S: W: B: 1685
N: S: N° 2. 1685.
I: B: N° C: 1684.
D: S: N° B: 1686.
D: S: N° A:
D: — Book of Instructions.
L: — 1656, 1657.
W: D: — Patent book 1689.
In the Book of Instrnctions the first ffour pages torn out.
In Lib: G: G: the two first pages torn.
In Lib: R: the first leaf torn out.
In Lib: F: from fol 91 to ffol 101 wanting
In Lib: H: the first leaf torn out.
In Lib: K: the first leaf torn out.
In Lib: F: F: from ffol 176 cut out.
In Lib: B: one part of the leaf in ffol. 189 torn
In Lib: A: the first leaf torn out, and in the same Book from ffol 18 to 23 torn out, in Ditto A: from fol 122 to 125 wanting in Ditto A: from ffol 276 to 279 wanting in Ditto ffol 283 & 284 wanting; The whole contains 400 pages.
In Lib Q: 1658 the first thirteen leaves loose & torn at the top.

Cop: p Henry Wriothesley Clk.

Maryland ss: Ann-Arrundell ffeb^{ry} 28th 1694/5 Lib. H. D.

Provll Clerks Return about safe conveyance of the Records &c^{a}

Pursuant to an Order of his Ex^{ncy} ffrancis Nicholson Esq^{r} Governor and the hono^{ble} the Councill of the said province, Convened at S^{t} Maries on the 24th of January last past appointing severall persons (best qualifyed to that purpose) to inspect the Records lying in the State house at S^{t} Maries, on the 12th of this instant ffeb^{ry} and to propose & Resolve vpon the best ways & Methods for the Removall & conveyance of the said Records; Wee whose Names are Underwritten do hereby Testify & declare. (as well for the satisfaction of his Excellency & Councill and the Burgesses & Delegates of this Province, this day assembled at this Town of Ann Arrundell, as of all other persons whom it may concern) that Whereas the said Records (according to a List or Catalogue of the same, taken and made out by the severall persons appointed as aforesaid, an Authentick Coppy whereof is in the hands of M^{r} Henry Denton Clerk of the Councill) were on the 19th of this instant by the Order & Authority of his Excellency & the hono^{ble} Councill committed & Given to our Custody & Charge in Order to be Conveyed to this place; Wee have without any damage, loss or prejudice safely brought all and every the said Records to this Town of Ann-Arrundell and delivered and placed the same as by the aforesaid Order is directed; In testimony whereof Wee have herevnto set our hands this 28th day of ffeb^{ry} 1694 p. 121

Henry Wriothesley
John ffreeman

On the back of the said Return was thus written

By his Ex^{ncy} the Governor & Councill
ffeb^{ry} 28th 1694

Ordered that the within Return be Recorded in the Journall of the House of Burgesses and then Returned to this Board together with the Lists of the Records this day sent.

Signed p Ord^{r}
Hen: Denton C of Concil

By his Ex^{ncy} the Governo^{r} & Councill in Assembly.
March 1st 1694.

Order for inspecting the Commissary Records &c^{a}

Ordered that the persons formerly appointed to inspect the Secretaries Records, do inspect the Commissary Records likewise and that they Meet at S^{t} Maries the 15th day of April next for the said End & purpose p. 122

Lib. H. D. and Cause the same to be Conveyed on horse back in the same bags which the others were Conveyed in, together with the loose papers.

Hen: Denton C of Concil.

Aprill 15th 1695.
Mett accordingly

The Honoble Kenelm Cheseldyn Esqr Commissary

John Watson Esqr, George Plater Esqr, Mr Philip Clarke
Mr Thomas Grunwin, Mr James Cullen, Mr Wm Bladen, Stephen Blatchford

Who together with Henry Denton Clerk of their Mats honoble Councill tooke the following Account Vizt

A List of Records belonging to the Office for Probat of Wills & Granting Administrations &ca taken the 15th day of Aprill 1695 by the Gentlemen therevnto appointed by the Governor & Councill

Imprs N° 1: A Book of Administracons from the year 1638 to the year 1642 of the Generall Assembly Anno 1637, Commissions &ca in this book from ffol 5 to 27. leaves torn out.
2: A small book of Administracons for the year 1657 P: C:
3: Another book of Administrations p Anno 1659 N
4: A book of Wills & Inventories p Anno 1660 & 1662 M.
5: Another book of Wills, Inventories &ca Annis 1662 & 1663 T
6: Another of Ditto for the year 1664 & 1665 W
7: Another for the year 1665.
8: A Book of Entry of Wills, Inventories &ca for the years 1666, 1667 & 1668 marked H.
9: A book of the same for 1668 & 1669 wrong ffolio'd in severall places and Marked H H.
10: A book of Wills & Inventories 1670, 71, 72, 73, 74 Marked T T.
11: Proceedings in Testamentary Causes Annis 1674 & 1675 P C
12: Proceedings in Testamentary Causes, Anno 1675 to 1678 marked P: C
13: Records of Administracons & Returns for the year 1675.
14: Ditto for the year 1676.
15: Ditto for the year 1677
p. 123 16: Testamentary Proceedings 1678.
17: Ditto for the year 1679.
18: Records of Administracons, Returns with other Testamentary Proceedings, Anno 1680

19 & 20: Records of Administracōns & Returns with other Testamentary Proceedings containing first, second & third Books, all vnder one Cover for the year 1682 | $\overset{x}{\wedge}$ in which Book is six sides of William Taylards Writing Ordered by the Judges to be a Record. A° 1684 & 1685 Lib. H. D

21: Testamentary proceedings, A° 1682 to 1687. in fol 62 the next fol is 167. $\overset{x}{\wedge}$

22: Testamentary Proceedings begining A° 1687 and continued to ffol 157 in the year 1689.

Proceedings in the same Book marked on the other side E A Recorded to the 7th of Janry 1692 and no further Enter'd in that Book vntill the Date of Mr Cheseldyns Commission being the 2d of Octobr 1693

23: Proceedings Annis 1693 & 1694 K: C:

N° 1 A book for Recording Inventory's & Accounts, begining A° 1674 Ending in ffol 595 A° 1675

II: Ditto for Inventorys & Accots A° 1676

III: Ditto for the year 1676 & part of 1677

IV: Ditto for the year 1677

V: Ditto for year 1678

VI: Ditto for the year 1679.

VII: Ditto for the year 1680.

VIII: Ditto for the year 1681.

IX: Ditto for the year 1682.

X: Ditto for the year 1662, 83, 84, 85 & 86.

XI: Ditto for the year 1686, 87, 88.

XII: Ditto for the year 1688 & 1689.

Inventory's & Accounts in the same Book marked on the other side E from fol 1 to fol 35 A° 1692

XIII: Ditto for the year 1693 K: C:

XIIII: Ditto for 1693, K: C: to fol 249

N° A: A Book for the Entry of Wills, Administracōns & Inventory's Appraisemts &ca for the years 1670 & 1671

B: Ditto beginning A° 1670 & Ending in 1673 TW

C: Ditto 1673 to 1675 P: C

A: A Book for Entry of Wills 1676. 1677

B: Ditto for the year 1678.

C: Ditto for A° 1679 p. 124

D: Ditto for 1680

E: Ditto for A° 1681

F: Ditto for A° 1682

G: Ditto from the year 1682 to 1688, from fol 349 to fol 354 leaves wanting.

H: Ditto from 1688 to 1689 Ending in fol 66 for Entry of Wills &ca and marked on the other side E N° 1: Ending in ffol 51. A° 1692:

N° I:—K: C: for Wills & Testaments, A° 1693, 1694.

Lib. H. D. Memorandum Wee find nothing Enter'd in the Office for Probat of Wills &c^{a} from the 13th day of July 1689 to the 14th day of June 1692, all Matters belonging to that Office supposed to remaine in the County Courts of this Province during that intervall And further th^{t} no Business is Enter'd in Coll Blackistons time save about Seaventeen Inventories.

Memorandum there is a strong Wooden Chest here in the Commissaries Office & no key to be found, which Chest his Excellency Governor Nicholson Ordered to be sent vp to Ann Arrundell Town without being Opened.

True Coppy p
J Bouye Register

There was a List likewise taken of all Bonds passed in the said Commissaries Office, Coppy of which said List Remains here lodged among the Councill papers

List of Councill Books &c^{a} A List of Councill Books & Papers remaining lodged with Henry Denton present Clerk of their Ma^{ts} hono^{ble} Councill, taken the 19th day of Aprill A^{o} 1695 Viz^{t}

H: H: Anno 1651
R: R: from the year 1671 to 1683.
C: B: Councill Book for Lands, A^{o} 79, 80, 81, 82, 83.
C: B: N^{o} 1: Councill Book for Lands A^{o} 83, 84, 85, 86.
Councill Book 1670.
HD: N^{o} 1: Councill proceedings
HD: N^{o} 2: New Book begun for Councill Proceedings, being this very Book. A Bag of Councill Paper & Proceedings commenceing from the time of Governo^{r} Copleys Arrivall & continued vntill his death, remaining still vnenter'd vp M^{r} LLewellin being Clerk at that time.

Hen: Denton C of Concil

p. 125 Capt Edward Burgesses Deposicōn abt Delivery of Armes & Ammunicōn &c^{a} The Deposition of Edward Burgess Gentl of Ann Arrundell County sworne Saith that on the Eleaventh day of November in the Yeare of our Lord 1689 the Deponēt Received of Doct^{r} Mordecay Moore ffourty & ffive Musketts Belonging to the Magazine of the said County Whereof ffour of them Wanted Locks & also Received of the said Doct^{r} one hundred & Sixty pounds weight of ball & shott And likewise ffifty Six pounds of Powder whereof y^{r} Deponent Delivered to the Ord^{r} of Cap^{t} Richard Hill, Thirty & nine of the said Muskets and all the abous^{d} Ammunition Excepting about six pounds of Powder and about seaven or Eight pound of Shot, (wth the other Six. Muskets to make up the full number of the aboues^{d} 45: w^{ch}

was Comanded out of my hands by Maj^{r} Nicholas Sewall & Lib. H. D.
out of those thirty & nine Muskets that was sent as abouesaid
to Cap^{t} Hill your Deponent Received back but Thirty & one
& four of the said Number Wanted Locks and sometime sence
the s^{d} thirty & one Muskets by the Ord^{r} Coll Nicholas Green-
berry your Deponent hath delivered into the Custody of Cap^{t}
Nicholas Gassaway And further Your Deponent sayeth not
May the 13th 1693 Edward Burges
Jurat Coram Nos Thomas Tench
John Addison

Capt Hollands Receipt for 24 Muskets

I doe acknowledge to have received of Cap^{t} Thomas Morgan by order of Coll Nicholas Greenberry Twenty four Muskets belonging to the Magazeen of Ann Arrundell County. As witnes my hand the 15th day of Aprill 1693:

W^{m} Holland

March the 25th 1693

Capt Boones Receipt for 26 Muskets

Rec^{d} then of Nicholas Greenberry Twenty & Six Muskets Belonging to the Publique Magazine of this County of Ann Arrundell w^{ch} I doe acknowledge my Selfe to be Accomptable for the said Armes; when thereunto Required Witness my hand

Humphrey Boone

Maryland ss. Ann Arrundell County March the 4th day 1692 p. 126

Capt Gassaway Rec^{d} for Muskets &c

Rec^{d} then of Nicholas Greenberry Thirty & Three Muskets and Thirteene Cartouch Boxes; and one Barrell of Gun Powder & contents one hundred pounds Neat powder, all w^{ch} p^{r}perty doth belong to the Publick Magazine of this Province, and I doe Oblidge my Selfe to be Accomptable for all the particulars as aboue Mentioned when thereunto Required. I say Rec^{d}

p Me Nich: Gassaway

Baltemore County ffeb^{ry} the 22th day 1692

Mr Richardsons Rec for Armes & Amunicõn &c^{a}

Red^{d} then of Nicholas Greenberry Twenty Eight Muskets; & two Carbines and Twenty Pounds of Powder and one hundred & Three pounds of Shott Belonging to the Publick Magazine & do oblidge my selfe to be Accomptable for the said Armes & Amunicon when thereunto Requiered. I say Rec^{d} p me

Thomas Richardson

Lib. H. D. Baltemore County March the 18th day 1692

Majr Thomas his Rect p Armes & Ammunicon &ca

Recd then of Nicholas Greenberry seaventy two pounds of gun powder Seaventy Seaven pounds of Shott & Bulletts & fifteen old Musketts all belonging to the publick Magazine of the aboue said County, and I doe Obleidge my selfe to be accomptable for the said armes and amunicon When therevnto Required. I say Recd p me

John: Thomas

July 28th 1692.

Majr ffinney's Rect for 2000l Ball

Then Recd of his Excy Lionell Copley Esqr Capt Generall &ca the quantity of one thousand Muskett balls and one thousand Pistoll balls, for the use of Talbott County in their Mats Service. I say Recd p me Wm ffinney

Coll Browns Acct of Powder & Ball &ca

An Accot of Powder & balls in the Custody of David Browne in Somerset County

To neare the quantity of 25l of powder

To neare the quantity of 250l of Shott

David Browne

Maryland ss. October the 16: day 1693

Coll Brownes Rect Attestacon of the Loss of a barll of Powder

Recd then of Coll Nicholas Greenberry one barrell wth Gunpowder one hundred & twelve pds grose of the Publick Magazine of this Province, wch I doe Obleige My selfe to be Accomptable for the said Quantity when thereunto Required I Say Recd p me David Browne

The abouesaid Barrell of powder was lost the 19th day of Instant October in my shallop at Poynt Lookout

Witnes My hand David Browne

p. 127 A List of Severall Letters and Papers Recd from Mr Llewellin by Henry Denton present Clk Ordered to be Entered and are as follows Vizt

List & Rect for Severall Letters & Papers &ca Recd from Mr Lewellin

Lettr from the Governr of New Yorke Dated 27th of July 1693 wth his Receipt for Bills of Exchange for 362l sterl from Governr Copley.

Another Letter Dated the 29th of July: 1693 from the Governr of New Yorke.

Lettr Dated the 25th day of July 1603 from Peter Shuyler Merchant in New Yorke

Examinacōn of the Indian Jurian, the Maquass Indian at Albany the 25th of July 1693

Letter ffrom the Governo^{r} of New Yorke July 27th 1693 Lib. H. D.
Articles of Peace wth the Empero^{r} of Piscattoway King of Mattawoman and King of Chapticoe
Lett^{r} from S^{r} Edmond Andros Dated 25th of August 1693
Pet of S^{r} Thomas Lawrence
Report of Committee of Trade and Plantacōns upon the said S^{r} Thomas's Case
Queens Lett^{r} Octob^{r} the 11th 1692 concerning a Supplye & aid for New Yorke
Kings Lett^{r} first day of March 1692: Ord^{r}ing 250^{l} Supply to New Yorke
Coppy of Audito^{r} Gen^{lls} Pattent
Queens Lett^{r} Concerning Bulke Tobacco
Lord Baltemores Pet
Lett^{r} from M^{r} Pouvy 18th of March 1692
Coppy of Sollicito^{r} Gen^{lls} Report upon Representacon of the Assembly touching the Lord Baltemores Demands
M^{r} Knights Report touching the 12^{d} ꝑ hhd: and the 27: Ships that went away without Clearing Anno 1690
L^{d} Baltemores Warr^{t} for 465^{l} 19^{s} ^{d} to be paid out of the first Import
Money from Ships not Cleared in the yeare 1690
Queens Lett^{r} 16th August 1692 concerning an Act past in Virg^{a} for appointing of Ports
Acco^{t} of the Reasons ab^{t} Prohibitting of Bulke Tobacco in Virg^{a}
Virg^{a} Act for Settleing of Ports &^{ca}
Report from the Comission^{rs} of the Custome house upon the Virg^{a} Act concerning Townes and Ports.
Report upon Certain Laws passed in the Assembly of Virg^{a}
Report Upon an Extract of Coll Copley Gov^{r} of Maryland

September 28th 1693

Delivered to M^{r} LLewellin a Coppy of the Aforementioned Letters & Papers wth a Receipt for the same p. 128

Hen Denton C of Concil

Afterwards given Receipt for the Govern^{rs} Comission & Instruccōns

Maryland ss: Octob^{r} the 13th 1693

Coll Hermans Rect for powder & attestation thereon &ca

Recd then of Nicholas Greenberry one Barrell of Gunpowder by Contents one hundred pounds out of the Publick Magazine of this Province for the Countreys Service w^{ch} I doe oblige my selfe to be accomptable for the said Barrell of powder when therevnto Required I say Rec^{d} ꝑ me

Casp^{r} A Herman

Lib. H. D. On the Back of the abouesd Receipt was thus Endorsed Vizt These are to Certefie that I have given One Other receite to Mr Harper for the same Barll of Powder upon receiving the same And the sd Barll Powder in A Shallop by distress of Weather was dampnified & was fit for no service

ꝑ Caspr A Herman

An Accot of what things Coll Harman has

List of wt things dld to Coll Herman &ca

2 Bibles
1 Prospective Glass
1 Dark Lanthorne
1 Pockett Compass
2 Bookes Called the Duties of Man
2 Bookes of Common Prayer
2 Bookes of Church Catechism
2 Bookes of Christian Religion
2 Bookes of Marshall Discipline
3 Bookes of the Articles of Warr

Caspr A Herman

p. 129 August the 20rh 1694

Majr Thomas Rect for Bookes & other Instrumts p Rangers &ca Reced then of Nicholas Greenberry by the Ordr of his Excncy the Governr and for the Use of the Rangers of Baltemore County when they shall be Required To Range out upon Publick Service for the Better discovery of any Approching Enemy makeing their Inroades into this Province of Maryland, wch is as followeth Vizt Two holy Bibles; Two Bookes of the whole duty of Man, Two Bookes of Catechism, and one Booke Titled a Brief discourse Concerning the Worshipping God &ca also One Lanthorne, one Brass Compass and one Prospective Glass all wch said Instrumts are to be Converted to the pr per Vses as above said when Occasion for the same I say Recd the day & Yeare as abouesaid ꝑ me John Thomas

Testis
Thomas Richardson
Sam Smith 1694

John Oldtons Choyce of Rangers according to Ordr of Govr in Councill &ca Whereas his Excncy the Governor at a Council held ffebry the 28th day 1694 was pleased to nominate & appoint one John Oldton to have the Conduct & Charge of Six Rangers for Baltemore County and the said Six men to be Raised by me, for the service of Ranging; & tht the Names of the said persons to be Given

into Nicholas Greenberry ffor his Approbation Therein, And Lib. H. D.
in Obedience to the aboues[d] Order I doe present vnto the said
Greenberry these persons hereafter Named; Daniell Welsh,
Henry King, Thomas Robards, Tobias Stanberry, Josias
Bridges & Mosses Edwards; All Inhabitants & house keepers,
in the abovesaid County of Baltemore; In Testimoney of all
and singular the Premisses abouesaid I doe hereunto subscribe
my name this 23[rd] day of March Annoq. Dom 1694/5

John Oldton

Coll Greenberrys Approbacõn of Rangers &ca

And whereas I am well sencible th[t] the Six men as aboue Named are well quallified p[r]sons & good woods men & fit to be Imployd in Ranging for the Publick Service of this Province as Witness my hand the day and yeare as above Written

Nich: Greenberry

March the 23[d] 1694/5

Mr Oldtons Rect for Gun Locks &ca

Rec[d] then of Nicholas Greenberry By the Order of his Ex[ncy] the Govern[r] for the publick Service and for the use of the Rangers To be Raised in Baltemore County as aboue s[d] y[ts] six Gunn Locks w[th] Eighteen screw pins, & six hatchets and doe Obleige my selfe to be accomptable to his Ex[ncy] for the same when Thereunto Requiered. as Witness my hand the day & yeare aboue Written

John Oldton

October the 9[th] 1694 p. 79

Coll Courseys Accot of Armes &ca

Coll Coursey

Sayeth that in the L[d] Baltemores time he had 100 Armes put in his hands, of w[ch] Maj[r] Ringold of Kent County had fifty whereupon in some time after by vertue of a Warrant from Coll Darnall the said Armes was taken from me & Maj[r] Ringold by Edward Swetman Sherriffe of Kent County

Henry Coursey

Septemb[r] the 15[th] 1694

Majr Ennals acct of Arms & Amunicõn &ca

An Acco[t] of what Muskets & Bullets are Lodged in the hands & at the house of Thomas Ennalls As followeth Thirty & Three Muskets & one hundred & nine pounds of bullets A true acco[t]

p me Thomas Ennalls

Lib. H. D. Coll Warrens Acct & List of Armes & Amunicōn Taken from Matapony

Guns or ffowling peices disposed of as follows Vizt

To John Sheeles	1
To John Kirke	1
To John Piper at John Wilders in Cha: County	1
To Martin Portwood	1
To ffrancis Bowyers	1
To Edw: Goodday	1
To Charles Carpenter	1
To Mr John LLewellin	1
To John Hoskins	1
To John Bayly at Clements Bay	1
To Richard Clouds	1
To John Turling	1
To John Graves	1
To Joseph ffowler	1
at my house unfixt & out of Ordr about	18
The Rest Imbezelled plundered & stollen	32

An Accot of Publick Amunition

from Mattapany 4 barrells of Powder
from thence abt 3000l of Shott
from thence found Afterwards plaistered up in the Wall abt 3000l of Shot more Prest from Mr Husseyes in Cha: County 100l of Powder of wch made use of and Delivered

Husseys Powder used in Charles County

p. 131 dld Mr Edmondson & the Burgesses of Talbot Co: one barll of Powder
To Majr Cambell 2 ball of wch Dld Coll Brown of Sumerset ½ a barll
To Capt Dent 2 litle Runletts

off the 6000l of Shot Delivered

To Coll Browne Sr	600
To Coll Coleborn	100
To Capt Mitchell	200
To Majr Beale	500
To Capt Dent about 50 Bulletts To Coll Warren abt 100 Bulletts	

An Act of Publick Armes

Brought from Mattapany to St Maries Muskets	194
In the State house Musketts found	51
Now at Thomas Beales of Musketts found at Coll Diggs	22
In all Musketts	267

one fixt Brass blunderbuss	1	Lib. H. D.
one old Iron Blunderbuss wthout a Lock	1	
Guns or ffowling peaces	29	
Carbines Brought from Mattapany	118	
In all Blunder Busses Carbines Muskets & Gunns	149	

Carbines Disposed of Viz^{t}

To Coll Warren for Charles County Troope	25
To Cap^{t} Courts More to himselfe	1
To Maj^{r} John Cambell for Poplar hill Troope	21
To Coll Warren More for Charles County Troope	5
To Maj^{r} Beale for Cap^{t} Brightwells Troope	25
To Maj^{r} Beale one More	1
To Carbines Stollen	2
To Cap^{t} Blakistons Troope	32
Carbines at my house unfixt & wthout Locks	6
	118

Musketts disposed of Viz^{t}

To Cap^{t} Attaway Comp^{a}	30	
To Cap^{t} Greenhalgh Comp^{a}	50	
To Cap^{t} Mitchells Comp^{a}	50	
To Kent County being their owne Armes	50	
	180	
To Cap^{t} Dent	25	p. 132
To Coll Jowles for Cap^{t} Biggers Comp^{a}	20	
at my house unfixt & out of Ord^{r} about	20	
	245	

The two Blunderbusses at my house
To Cap^{t} Courts about 10 Bullets
To Cap^{t} Addison 100 Bullets
Severalls delivered of powder & shott to the Souldiers upon every March w^{ch} were not returned
The Rest of the Shott remaines in my house in Charge Coll Warren

Powder Remaining is

At my house one barrell & halfe
At Maj^{r} Cambells a barrell and ab^{t} a halfe more
At Cap^{t} Blackistones 60^{l} pres^{t} from W^{m} Barton of which about 4^{l} was used the last March
A Barrell & halfe of Powder at my house to be Delivered to Coll Warren
One barrell of Ditto at Coll Blackistons 100^{l}

This is a True Coppy sent me by Cap^{t} Coode when he went for England

Hum Warren

Lib. H. D.

September 15th 1694/5

Coll Warrens Accot of Armes & Amunicōn &ca

Acc[t] of Armes & Amunition in Coll Warrens possession as Returned by him vnder his hand; Vide his List of Soldiers

One Barrell of Powder
About 20[l] of powder in another Barrell
Six pound of Bullets
2 Unfixt Countrey Muskets
1 Unfixt Carbine

True Copy taken from off the aboue Mentioned paper
Hen Denton Clk Councill

p. 132 Coll Coods Accot of Armes & Ammunicōn &ca

An Account of Publick Armes & Amunition Delivered vpon the Surrender of the State house and Mattapany 1689

At Mattapany Musketts	194
At the state house Muskets	51
At Mattapany Carbines	118
In all Carbines & Musketts	363
Powder	barlls
At Mattapany barrells	4
More bought a barrell & ½	1½
Shott	
At Mattapany about	6000lb

Armes Distributed Musketts

To Capt Attaways Companys	30
To Capt Greenhalgh	50
To Capt Mitchell	50
To Kent County	50
To Capt John Dent	25
To Coll Sowles for Capt Biggars Compa	20
At my house when I went to England unfixt some wthout Stocks some wthout locks	20
	245

Carbines

To Coll Warren for Charles County Troope	25
To Capt Courts to himself	1
To Coll Warren for Ditto troope More	5
To Majr Cambell for Popler hill Troop	21
To Majr Beale for Capt Brightwells	25
To Majr Beale more	1

Carbines Stollen		2 Lib. H. D.
To Cap^{t} Blakistons Troope		32
Carbines Left at my house unfixed & wthout locks		6
		118
Musketts & Carbines in all		363

Powder Distributed

To Talbot County 1 barrell		1
To Maj^{r} Cambell		1½
To Coll Browne		0½
Coll Warren		1½
	in all	4½
		1

Shott Distributed

To Coll Browne		600 p. 134
To Coll Coleburne		100
To Cap^{t} Mitchell		200
To Maj^{r} Beale		500
To Coll Warren		200
To Cap^{t} Addison Ord^{r}		100
To M^{r} Blakiston by Gov^{r} Copleys Order		3648
		5348
Shott dld Severall times in small pcells ab^{t}		200
The wthin Acco^{t} is Just		5548

Jn^{o} Coode

October the 5th 1694

Capt Russells Rect for 19 Muskets

Rec^{d} then of W^{m} Harpham by the Order of the hon^{ble} S^{r} Thomas Laurence 19 Muskits well fixt for Maj^{r} Cambells Company in the Redgment of ffoot Comanded by the hon^{ble} S^{r} Thomas Laurence I say Rec^{d} p^{r}me

his
Edward ER Russell
Marke

Sn^{t} Maries 22th October 1694

Coll Hutchins his Rect for Armes & Amunicõn for Dorset & Somerset Cots

Recd of S^{r} Thomas Laurence nine Runletts of Powder weight unknowne (viz^{t} five for Dorchester County & four for Somerset County, and also twenty & seaven Musketts, fifteen for Somersett & Twelve for Dorchester and two parcells of Shott

Witness my hand: Char Hutchins

Lib. H. D. Mr Guithers Rect for Armes & Amunicon for Talbot County

Recd this 22th of October 1694 of the honble Sr Thomas Laurence Baront Secry of Maryland six barrells of powder Eighteene Musketts & a proporcōnable quantity of ball for the vse of Talbot County I say recd

p me Wm Guyther

March 11th 1694

Tho: Parkers Rect for Powder for Cæcill County to be dld &ca

Then Recd of John Evans Seaven barrills of Powder Marked C: I: N° 1: 2: 3: 4: 5: 6: 7: and to be delivered unto Coll Herman in Cæcil County

I say recd p Me Thomas Parker

p. 135 Coll Addisons Lettr to Sr Tho Laurence for Dld of Armes & Amunicōn to Geo: Dent Powder C H Armes Ch County writ on Shot in a Casque

Hon^rd Sr

I have sent the Bearer Geor Dent for the Tenn Barrells of powder and Twenty four Musketts & the Shott as Mr Low hath divided it for our County of Charles Being now goeing up wth my Shallope. Sr Deliver them as they are Marked in Margent; haveing not further to Ad onely Wishing yor good health & Safe Voyage I am

Yr Honrs most humble

Octr 22d 1694 Servt Comd

John Addison

October the 22th 1694

Geo Dents Rect for Armes & Amunicōn for Cha County p Coll Addisons Order

Recd of the honble Sr Thomas Laurence by ordr of his Excncy the Governr Ten Barrells of Powder a small quantity of Shott & Twenty four Musketts to the County of Charles Recd by me

Henry Wriothesley Geo Dent

Coll Coods Rect for powder

Recd of Mr John Evans three barlls & a piece, of powder for St Maries County's Magazine this Seaventh day of March 1695

Jno Coode

April the 26th 1695

Joseph Edloes Rect for powder

Recd of Willm Prise eight barrells of Gun powder sent by Mr Henry Denton by the Ordr of his Excncy the Governor for their Mats Service I say Recd by me

Joseph Edlo

Sn^t^ Maries, Aprill 26^th^ 1695 Lib. H. D.

Ord^r^ to M^r^ Josephs abt powder and his Rect thereon &ca

M^r^ Josephs
S^r^

You have herew^th^ sent Eleaven Barrells of Powder Eight whereof are design'd for Ann Arrundell County & the other three for Kent, the w^ch^ I hope will be so kind as see placed in some secure Room vnder lock & key for their Ma^ts^ Service, and give the Bearer a Receip^t^ of y^r^ Taking the same into your Charge, wherew^thr^ you Need not feare to be long troubled I rest

S^r^ Yo^r^ very humble Serv^t^
Hen Denton

To W^m^ Josephs Esq^r^ at Mattapany in petux^t^
These

This done by Ord^r^ of his Ex^ncy^

On the Back of the af^d^ Ord^r^ was the following Rec^t^ Viz^t^ Aprill 27^th^ Rec^d^ the w^th^in Menc̄oned Eleven Barr^lls^ of powder by me

W^m^ Josephs Jun^r^

A List of Bookes Dl^d^ relating to Millitary affaires w^th^ rec^t^ for the same as follows Viz^t^ p. 136

Majr Kings rec^t^ for Bookes &ca

Recd 2 Bookes Viz^t^ one of Military Discipline & the other of Exercise of ffoot as Witness my hand to be delivered to Coll Browne

Robert King

ff: Whitehorns rect for Bookes &ca

Recd two Bookes for Coll Thomas as Witness my hands

ff Whitehead Sub Sffe

M^r^ Pollards rec^t^ for Bookes &ca

Recd Two Bookes for Coll Hutchins as Witness my hand

John Pollard

M^r^ Smiths Rec^t^ for Bookes &ca

Recd 2 bookes for Coll Robotham & 2 for Kent as Witness my hand

Rob^t^ Smith

Majr Hammonds rect for Bookes &ca

Rec^d^ Two Bookes for Coll Greenberry as Witness my hand

Jo^n^ Hammond

Lib. H. D. Mr Carvill Rect for Bookes &ca

Recd 2 Bookes for Coll Herman as Wittness my hand

John Carvill Sher.

Capt Dent had Two
Coll Cood had Two
Coll Jowles had Two

Tho: Reynolds Rect for Tomahockes to his Excy &ca

Recd from his Excy ffrancis Nicholson Esqr Capt Genll & Governr in Chiefe of their Mats Province of Maryland Six Tomahockes wth Six Gun Lockes & 18: Scrue Pins belonging to the said Locks for the Rangrs as Witness my hand This first day of March 1694/5

Thomas Reynolds

Tho Colliers rect for Tomahauks &ca

Recd from his Excy ffrancis Nicholson Esqr Capt Genll & Governr in Chiefe of their Mats Province of Maryland Six Tomahauks wth Six Gunlocks & 18: Scrue Pins belonging to them for the Rangers as Witness my hand this 1st day of March 1694/5 Tho: Collier

March the 1st 1694/5

Mr Wriothesslys Rect for Journall of the Councill in Assembly

Recd into the Secryes Office from Mr Henry Denton the Journall of the Councill in Assembly begun & held at Snt Maries the 20th day of Septr I say Recd p me Henry Wriothesley

p. 137 An Accot of the Six Setts of Bookes the Bishop of London sent & where they are & to whome Deliverd to

List of Bookes how disposd off

to Richard Smith Vestreyman of Christ Church in Petuxent 1 Sett.

Ordrd To Walter Smith Vestrey man of Church newly Built in the ffreshes of Petuxent where Mr Hull intends to preach but as yet Tho: Tasker has that Set of Bookes

To Tho: Holladay Vestrey man of the Church at Mount Calvert 1 Set for that Church

To Mr Llilingston a Minister 1 Sett Boookes

To Mr Darling a Minister 2 Setts Bookes

6 Setts in all

Paprs abt Strange Indians Given as follows Vizt

List of Paprs abt strang Indians Dld to the Severall prsons herein named

1 To Coll Jowles for Calvert County

1 To Coll Addison of Charles County

as also 1 of the same to Coll Ninian Bale & his Comission

1 To Coll Greenberry of Ann Arrundell County

1 To Coll Pierce Cæcill County

1 To Mr Boothby of Baltemore County

June the 2d 1695 Lib. H. D.

Majr Thompsons Rect for Booke of Rates & Black Bonds from Coll Pearce &ca

Then Recd of Coll Wm Pearce one Booke of Rates & some blanke Bonds, According to his Excncies Order, but I could not receive any Instructions from the said Coll Pearce, he the said Pearce alleadging that he never had any

p Jno Thompson

Coll Coods Lettr to Mr Denton Relating to powder &ca

Mr Denton

I have recd yrs by Mr Heupham as to the Powder I know Nothing of what you Write my Instructions you gave me wch was an Order of Councill were for Six barrells I intended to lodge one at Majr Cambles but the wind being hard at N: could not get into the Creeke Capt Greenhalgh I was told was Removeing to Charles County besides their are four Capts more that must want Amunicōn if your instructions be Observed I intended an Equall distribucōn, since otherwise I doe desire the Governrs Ordrs abt it in the Meane time Dare not uenture to send back any by Water come Downe in the Boate my self As to the Amerciamts you had best get a good list of them for it is a blind one I have & send it me wth Execucōn wherein will doe the best Service I can pray let me have agen the papers delivered in Councill about Surrender of Mattapany wch thinke my selfe unsafe in being wth out p. 138

Sr I am in haste therefore pray Excuse

Yr most humble Servant

John Coode

her Sacred Mats Lettr Abt assistance to New Yorke &ca

Marie R

Trusty & well beloved We Greet you Well Whereas it hath been Represented unto Us that not wthstanding the Significacōn of our pleasure to our Severall Collonies and Provinces in the Northern Parts of America, the 11th day of October 1692: to be aiding and assisting to Our Governr or Commandr in Cheif of our Province of New Yorke for the Defence and Security of our sd Province agt the Attempts of our Enemies, And to agree upon a Quota of Men or other Assistants to be given by each of our said Colonies or Provinces for the Defence & security of our said Province of New York some of our said Colonies or Provinces haveing Omitted to send Comissioners to Adjust the Quotas to be furnished by them respectively, nothing hath been done therein We have thereupon thought fit to Appoint the severall Quota's of Men or other Assistance to be furnish'd by our said Colonies and Provinces respectively for the Defence and Security of our said Province of New

Lib. H. D. Yorke and accordingly We do hereby Signify our Will and Pleasure unto you that a Quota or Part of our Millitia of our Province of Maryland not Exceeding one hundred & sixty men be the measure of the Assistance to be given by our said Province for the Defence & Security of our said Province of New Yorke, Which We do hereby Require & Command you
p. 139 at all times upon the Applicacōn of the Governr or Commander in Cheif of Our said Province of New York, to furnish & send to be under his Cōmand & direction for the Defence of our said Province We having also given Express directions to our said Governr or Cōmander in Cheif of our said Province of New Yorke not to demand or Require at any time a greater part of the said Quota or other Assistance from our said Province of Maryland than he shall in Proporcōn demand or require of the respective Quota's of the rest of the Adjacent Colonies, And so not doubting of your ready and Chearfull Obedience to Our Royall Pleasure in a matter Wherein the Security and Preservation as well of Our good Subjects within our Province of Maryland as of all our Subjects Inhabiting in those parts of America is so much concern'd, We bid you farewell. Given at our Court at Whitehall this twenty second day of August 1694 In the Sixth year of our Reign.

By Her Matys Command
I Trenchard

The afd Letter was Directed as follows Vizt

To Our Trusty and Welbeloved Francis Nicholson Esqr Our Capt Generall and Governor in cheif of our Province and Territory of Maryland in America And to the Governor or Commander in Cheif thereof for the time being.

New York 24th September 1694.

Governr New Yorks Letter wth his proposall abt a joint Assistance agt the ffrench &ca

Sr

I did Expect to hear of your Arrivall to yor Governmt but imbraced the Present Opportunity to wish you much Joy. Yor Councill can informe you how matters are between Maryland and New Yorke the Accots and Protested Bills for ffour hundred fifty
Whitehall three pounds Sterl were sent to them, In the Last from Sr Thomas Laurence He did excuse the non paymt of that money at that time the Revenve being indebted & promised care should be taken in the next Assembly wch I believe is now Effected by your Conduct.

p. 140 I have sent you a Copy of my Treaty with the five Nations of Indians whereby you will perceive how they are apprehen-

sive of the inequality of their Burthen of the Warr and have patcht up a peace w^th^ Canida which I was Oblidged to acquiesse with not being in a Condicōn to make Warr upon them it will be much the concern of Maryland as well as of other Provinces, that the Indians be kept stedfast to the English and the ffrontiers of this Province better Secured Were there sufficient force to justify all our out posts this had not gon so farr & I doubt not yet to reclaim them I have proposed a new Sheme of a joynt assistance w^ch^ is inclosed the like is sent to S^r^ Edmond Andros So desire you will consider of it Count ffrontiniac is at Mount Reall w^th^ Considerable forces hath some designe I have sent to discov^r^ his Motion & give you a Copy of the intilligence I am Lib. H. D.

S^r^

Your Excellency's
humble Servant
Ben ffletcher

Govern^r^ Maryland.

Governor of New Yorkes Scheme of a Joynt assistance to Maryland &ca

Pursuant to an Order of his Excellency in Councill dated the 30^th^ of August last Wee have made the Computation what the charge will amount to for maintaining of five hundred Soldiers with their proper Officers which of Absolute Necessity are required to be continued at Albany and the out Garrisons of that ffrontier to secure the same and to prevent a further defecōn of the ffive Indian Nations together w^th^ the Ordinary charge which this Governm^t^ for severall years past has been at in Presents to the said ffive Nations and to Compute the same as followeth Whitehall

	lb	s	d	
For 5 Cap^t^ at 8^s^ p diem is for one year	£ 730	00	00	p. 141
For 10 Liev^ts^ at 4^s^ p diem is for one year	£ 730	00	00	
For 15 Sergeants at 1^s^ 10^d^ is for one year	£ 501	17	06	
For 15 Corporalls at 1^s^ 4^d^ p^d^ is for one year	£ 365	00	00	
For 10 drummers at 1^s^ 4^d^ is for one year	£ 243	06	08	
For 500 Private Soldiers at 12^d^ p diem is for one year	£9125	00	00	
For 1 Adjutant at 4^s^ is for one year	£ 73	00	00	
For 1 Comissary at 2^s^ 6^d^ p day is for one yeare	£ 45	12	06	
	£11813	16	08	

Item for incidents of firewood candles bedding hospitall for Sick men transportacon of men & provisions from New York to Albany & the out Garrisons building and repairing barracks & other Contingent charges that

Lib. H. D.

	lb	s	d
will attend the said men computed p Annum At	£1386	03	04
Item for Presents to the Indians & the Necessary charges p annum	£1000	00	00
The Whole charge of sd Men & presents will amount by the sd Computacōn p annum at	£14200	00	00
And if it so happens that pursuant to their Mats Gratious directions the supply of 400 Soldiers with their proper Officers doe arrive the aboue sd Charge Will only abate as by their Mats Establishmt appeares the sume of	£6801	03	04
Rect	£7398	16	08

ffor that by said Establishmt is only allowed to the Private Soldiers 8d p diem New York Money out of which 2d sterl is stopt for their Cloath's the rest will but pay for their Subsistance so nothing is left them for shoos stockins shirts and other necessaries which may occasion their desercōn unless their pay be augmented as aboue Whereby they may be able to Subsist.

So that the said Charge if the 400 men do arrive Will remaine as aboue p Annum £7398..16..8..

And wee have also Considered pursuant to said Order What the Severall Governmts hereafter Named ought to contribute in Obedience to their Mats Gratious Letter to Aid and Assist this Province in the Defence of the ffrontiers at Albany and doe Compute their Respective Proportions as ffolloweth

	If no supply arrives	If the Supply do arrive
p. 142 Massathusetts Governmt	£2600..00..00..	or £1354..10..00..
Road Island	£ 600..00..00..	or £ 312..10..00..
Connecticut	£1200..00..00..	or £ 625..00..00..
Jerseys	£ 800..00..00..	or £ 417..00..00..
Pensilvania	£1200..00..00..	or £ 625..00..00..
Maryland	£1700..00..00..	or £ 885..10..00..
Virginia	£2600..00..00..	or £1354..10..00
New York being more immediately concerned	£3500..00..00..	or £1824..16..08..
	14200..00..00	or £7398..16..08..

But if it should so happen that the Supply of 400 men do not arrive It would not be possible to raise the said Men wthin this Province of New York Wherefore the Neighbouring Whitehall Governmts ought to raise their Proportions which Wee do compute as followeth

Massathusetts Governm^{t}	90 men	Lib. H. D.
Road Island	20	
Connecticut	60	
Jerseys	30	
Pensilvania	30	
Maryland	50	
Virginia	90	
New York being More immediatly concerned	130	
	500 men	

Which is humbly Submitted by
N Bayard Chid Brook S V Courtland
New York 13th A True Copy
September 1694 David Jamison Clk Councill

Governr of New York Coppy of intelligence from Canida

Examination of a Maquass Indian called Sinnon Servan who is run a way from Cannada & come hither in Seaven days time by Land taken before Coll Richard Ingoldsby Commander in cheif of the ffrontiers and Majr Peter Schuyler one of the Councill he was taken about a Year a goe by the ffrench Indians near Where the Late Engagemt was with the ffrench When they burnt the Maquass Castle p. 143

Albany the 2 September 1694

Says

That Count Frontiniac Was at Mount Royall and a great Number of Men both ffrench and Indians and Men and Provisions brought thither dayly in Great quantityes that there was a Plain as bigg in Circumference as Albany full of Burch Canoes and great many Batoes that the Clubs wch Iurian the Maquass brought thither When hee tooke the two ffrench Boyes Were brought to the Governrs by the ffrench praying Indian Who said ffather Wee Will bring the Clubbs back again to All: Noe said the Governr of Canida my Children I will goe and carry the clubbs there my selfe only I stay till the 80 days be Expired that Dekemissoi has to return in and then I sett out there were two or three Indians that were privy to this Indians coming away Who would stay till the Governr setts out & then Would come hither the Governr has a great Many Bombs & hand Granadoes some of the Bombs & hand granados he see fyred att Mount Royall and had also a great many Instrumts for undermining he says further that wahawy the Maquass that used to Comitt great Spoyle In our Coast is killed upon an Expedicon agt the North West Passage It was discoursed at Canida that the Governr of Mount Royall Was

Lib. H. D. to Lead the Party that was to Come against Albany And that the Old Gentl Count ffrontiniac stayd at home the time that the army Was to sett out from Mount Royall Was to be Munday the 3d of September 1694

A True Copy
David Jamison Clk Councill

Maryland

Governor Nicholsons Answers to the Governor of New Yorks Letter is as follows Vizt

p. 144 Govr Nicholsons Lettr to Govr of New Yorke &ca

Snt Maries City October 18th 1694

Sr

Yr Excncies Lettr of the 24th of September past with inclosed Papers I recd the which were communicated to the Councill the Eighth of October instant and so sent down to the house of Burgesses together wth his Mats Royall Lettr of the 11th of October 1692: Relating to the Assisting your ffrontiers &ca agt the ffrench and Canida Indians—And that the state of the Whole Mater might be fully known, I caused the severall Lettrs and Papers passing betwixt the two Governmts to be Likewise laid before the House; An Answer whereto the inclosed paper is a Coppy; the Gentl of the Whitehall Council agreeing and Assenting to the Same.—The other inclosed paper is Coppy of the Councills Reasons why the fforraign Indians which came into this Governmt about two years agoe with intent to Settle should not be Entertained among Us.

I find the Revenve of this Province to be very precarious and the Governmt altogethr destitute of any banke or fund of Money; and which is wors is at present much in Arreares, therefore can do no more, Save truly to Represent the Whole Affaire to their Sacred Mats I am

Sr Yor Excncies
Humble Servant
ffr. Nicholson

Governr New York

Copy of the following Proceedings of Assembly were sent inclosed in the Above Letter Vizt

By the Burgesses of Assembly October 16th 1694

house of Burgesses answer to New York proposalls &ca

Having laid before us her Mats Lettr bearing date the 11th day of October 1692: relating to the preservacon & Assistance of their Mats Colonies of New York & Albany with a certaine Quota of Men & Whitehall Money wth a former lettr and Scheme and also a late Lettr from his Excncy Coll Benjamin ffletcher Govr of that place with a New Scheme & Examinacōn of the Maquass Indian

together with a Small Treatice In Print relating to severall consultacōns lately had w^th^ the Northern Indians all which this house haveing duly Weighed and considered in answer to which Wee say that the great vnavoidable and continuall charges occasioned here by the late revolution and the vast Sumes of money expended by our Severall Agents in England out of the Publick Revenue of this Province Together with the vast Sumes of Money & Tobacco in arreares which are now come to be paid besides the Continuall charge of Severall Troops constantly kept out for the security of our ffrontier Plantacōns these with other like Circumstances doe Incapacitate Us to Yeild any Supply or Assistance to the said Governm^t^ of New York and Albany at this Juncture And as to the severall Articles contained in the said Treatise relateing to the Covenant Chaine renewed in which Wee find ourselves together with the severall Colonies included for which wee returne our hearty thanks and shall ever acknowledge it both our duty and Intrest vpon all occasions to use our utmost Endeavour for the preservation safty and Wellfare of all their Ma^ts^ Subjects within these their Ma^ts^ Territories of America and more Especially for those to Whom Wee acknowledge our selves soe signally and highly Obliged

Lib. H. D. p. 145

Signed ꝑ order
C Lomax Clk Assembly

At a Conference held at the City of Sn^t^ Maries the 15^th^ day of October Anno Dom 1694 Between his Ex^ncy^ the Gov^r^ & Councill & the house of Burgesses in Assembly convened

Governrs Demand abt fforraign Indians &ca

His Ex^ncy^ demanding that in case the fforraign Indians which lately came into this Governm^t^ should come again with intent to sit downe and seat here, what answer should be Given them; M^r^ Speaker thereupon produced the Sence of the house in Writing as to that particular the which runes in the following Words Viz^t^

Whitehall

By the Burgesses of Assembly October 15^th^ 1694

The House of Burgesses Sence & opinion abt fforraigne Indians &ca

With submission to your Ex^ncies^ beter Judgm^t^ This house doth not think fitt at this Juncture of time to Receive & Entertaine any fforraigne Nation of Indians

Signed ꝑ Ord^r^ C Lomax Clk Assembly.

Post Meridiem

Taken into consideracon the House of Burgesses sence & opinion delivered at the Board about the aforementioned

p. 146 Whitehall

Lib. H. D. Indians &ca to which the Board does agree and Order the following Reasons to be given to the Indians if they come; Vizt

Councills Reasons abt Strang Indians to Be sent to New Yorke

That this Countrey is an open Coontrey and deales generally in Tobacco and not in ffurrs; but understanding they have had an invitation from the Governmt of New York doe think that those parts and Pensilvania whoe deale and trade most in ffurrs, Will be the most proper for their Abode

True Coppy Hen Denton C of Concil

March first 1694/5

Governr of New Yorkes Lettr Relateing to Protested Bills of Exca &ca

Sr

A Lettr believed to be from your Excncy (without a name) wth a vote of the Burgesses of Maryland and result of the Councill in Assembly there was directed & Presented to his Excncy the Governr of this Province defeating our hopes of such Assistance his Mats Royall Letter commanded expressing somewhat about Indians &ca

Whitehall

and the vast Sumes of Money and Tobacco in arreares & now to be paid &ca

Among these Wee signify to Yr Excncy that the Governmt of Maryland is indebted to this the sume of 453lb sterl: being Money charge and Damages due on protested Bills of Exchange from Maryland as by the inclosed coppy of the Protest and Accot appears.

This his Excncy in Councill was pleased to Order Us to lay before your Excncy that the same may be speedily discharged it being what Wee Expect from Yr Excncies candor and Justice

Wee are yor Excncies humble Servants

Chid Brooke

ffredryck flyphs	N Nicoll
N Bayard	Caleb Heathcote
G Mininelle	Thomas Willet
S : Cortlandt	John Lawrence

p. 147

Exca 362lb 08s 00d Maryland June 12th 1693

Coppy of Govr Copley Protested Bill of Exca &ca

Sr

At Thirty dayes sight of this my second bill of Exca my first & third of the same Tenr & date being Neither of them Paid pay or cause to be paid unto his Excncy Coll Benjamin Fletcher Governr of New Yorke or his Ordr the sume of Three hundred sixty Two Pounds Eight Shillings Sterl: make good paymt and place the Same to Accct of p advice from your humble Servant To Richard Hutcheson Esqr in London These L Copley

Pay the Contents of the w^th^in Bill to John Blackhall Merc^ht^ Lib. H. D.
in London or Order for Acco^t^ of Abraham De Peyster &
Nicholas Bayard Ben ffletcher

By this Publick Instrum^t^ of Protest be it known & Manifest unto all People that on the Eight & twentieth day of September Anno Dom 1693. In the fifth yeare of the Reigne of William & Mary King & Queen of England &^ca^ att the Request of John Blackhall of London Merch^t^ J Porton Paul Notary and Tabellion Public Legally Admitted and Sworne Whitehall dwelling In London speaking to Richard Hutcheson Esq^r^ I demanded of him if he would accept the Originall Bill of Exchange of three hundred Sixty & two pounds & Eight Shillings sterl (the Coppy Whereof is aboue Written) he answered he would not accept the said Bill for Want of Effects Whereupon I the said Notary (at the request aforesaid) have protested as by these presents I do protest as well ag^t^ L Copley drawer of the said Bill as al others therein any Wise Obliged for Change Rechange all of the Damages & Intrests Sufferred & to be suffered for want of Acceptance of this s^d^ Bill This done & protested in London in presence of Henry Simith & Thomas Jones Witnesses

Vera Copia quod attestor

[Locus Sigilli] P Paul Not's Pubs

A true Copy

David Jamison Cl Concll

The Province of Maryland D^r^

1693/4 4^th^ Janry	To the within Protested Bill of Exc^a^ Signed by Gov^r^ Copley in behalfe of the Governm^t^	362..8..00..
	To the Rechange & charges at 25 p Cent	£90..12..00..
	Sterl	453..0..0..

David Jamison Clk Concill

At a Councill held at Ann Arrundell Town in Ann Arrundell County the 28^th^ day of ffeb^ry^ in the seaventh year of the Reign of our Soveraign Lord and Lady King William and Queen Mary &^ca^ Annoq Domi. 1694

Present

His Ex^ncy^ Francis Nicholson Esq^r^ Comander in Chief &^ca^

The Hono^ble^ { Coll George Robotham, James Frisby Esq^r^, Edward Randolph Esq^r^ }

Petition of Paul Bickford read as follows. Viz^t^

Lib. H. D. To his Ex^ncy ffrancis Nicholson Esq^r their Ma^ts Cap^t Gen^ll and Govern^r of Maryland.

The humble Peticon of Paul Bickford of Plymouth in the Kingdom of England Marrin^r

Paul Bickfords Peticon for Speciall Comission &ca

Humbly Sheweth

That whereas yo^r Pet^r haveing a Difference in Law with one Joshua Broadbent M^rchant to whom your Pet^r upon his Engagement of punctuall pay in tobacco at yo^r Pet^r his Shipps side in Wiccocomaco River has delivered four hundred Bushells of Salt but has received no part of Satisfaction for the same more than two thousand pounds of tobacco and that not at his Ships Side but by notes to other Men and yet is yo^r Pet^r sued by the said
p. 153 Broadbent and speciall Baile insisted on for Thirty od thousand pounds of Tobacco And for as much as yo^r Pet^r is upon his voyage and comes here in the way of Trade and that the said Broadbent has no other dependance but on Tireing out yo^r Pet^r by delay's and retarding his Voyage thereby to force yo^r Pet^r to a Complyance with his Unjust demands

Your Pet^r therefore humbly Supplicates yo^r Ex^encies consideracon of the Premisses and that you will please to appoint a Speciall Court or such other Suitable wayes and Meanes as your Wisdom sees fitt for the speedy hearing and determining the said Difference &^ca

And as in Duty bound he shall Ever Pray &^ca

Ordered that Speciall Commission issue according to the prayer of the Pet^r which said Comission was drawn up and in these words following Viz^t

Speciall Comission Granted constituting Capt Wm Barton & als to be Justices for the Ending all Differencs inter Bickford & Broadbent

William & Mary by the Grace of God King & Queen of England Scotland ffrance & Ireland Defenders of the Faith &^ca To Cap^t W^m Barton M^r John Hawkins Maj^r James Smallwood Cap^t Philip Hoskins & M^r Robert Yates of Charles County Gentl Greeting Whereas Paul Bickford of Plymoth in the Kingdome of England Marriner humbly set forth Unto our Councill that he had been sued by one Joshua Broadbent M^rchant who insisted upon Speciall Bayle for thirty od thousand pounds of Tobacco Signifying withall that he was upon his voyage and come here in the way of Trade therefore humbly prayed our Speciall Comission might issue for the Speedy Tryall of the said Difference now depending and not be tired and wearied out with the dilatory proceedings of his Adversary, which was Accordingly Granted him, And Wee willing that speedy Justice in like case

should be done, Wee reposing Special Trust and confidence Lib. H. D.
in your abilities prudencies & Wisdoms have thought fit to
Nominate constitute and Appoint And Wee do here by these
p[r]sents Nominate Ordaine & Appoint you the Aforenamed
Cap[t] William Barton, M[r] John Hawkins, Maj[r] James Small-
wood, Cap[t] Philip Hoskins and M[r] Robert Tates Justices and
Co̅mission[rs] for the hearing and determining as well the afore-
mentioned difference now depending as all other differences
or Law suites which are or may any wise happen betwixt the
said parties during the continuance of this our Commission
And for that End and purpose you are hereby Empowered to
Call before you Twelve good and Lawfull Men of the Vicinity
by whom the truth of the Matters may the better be known as
also to Su̅mons what Evidences either party shall Require by
you to be sworn to Say the truth in the premises, And upon
the Verdict of the Jury brought in, your finall doome Sentence
and determination shall Make as to Law & Justice appertain-
eth, hereby appointing you the aforesaid Cap[t] William Barton, p. 154
M[r] John Hawkins, Maj[r] James Smallwood, Cap[t] Philip Hos-
kins and M[r] Rob[t] Tates to meet and Sit at Charles Town in
Charles County the day of Ma̅rch instant or any three or
more of you Whereof you the said Cap[t] William Barton, M[r]
John Hawkins & M[r] James Smallwood to be always one for
the fully hearing and determining the Above Mentioned
p[r]mises hereby likewise Empowering you after Judgm[t] Given
to take Moderate Cost and to Adjourne from day to day Untill
the business afd. by you be fully determined And to the End
you may keep a faire Record of All your Proceedings herein
Wee do Nominate and Appoint Cleborn Lomax to be your
Clerke he having first taken the Oathes appointed by Act of
Parliam[t] to be taken instead of the Oathes of Allegiance and
Supremacy as also the Test, a faire Coppy of which proceed-
ings you are to Transmitt Unto Us Attested under the hand
of your said Clk. in our high Court of Chancery among the
Records of the Office of our said Court to Remain and be
kept, Given at Ann Arrundell Town in Ann Arrundell County
the second day of March in the seaventh year of our Reigne
&[ca] Annoq Domi: 1694

ffr: Nicholson

Dedimus potestatem for Swearing the Commissioners after
the vsuall forme was drawn upon the back of the aboue Com-
mission was signed by his Ex[ncy] and passed Under the Broad
seal of the Province the day and Yeare abovesaid

H Denton C of Concil

Lib. H. D. Order abt Roman Catholick Armes taken

Upon Representation Ordered that all persons who tooke any private Armes from Roman Catholicks or others in the time of the late Revolution that they bring and deliver all such Armes up into the hands of the Collonell of the County where taken, who is hereby Obliged & Required to Cause the same to be restored to the Right Owners.

Steven's Bill of Sale from Roe for Land & Order for Consultacōn

Produced and Read William Stevens Bill of Sale from Edward Roe for 25 Acres of Land, Ordered that the Attorneys be consulted therein for the Publick good, And that they make Report thereof to this Board accordingly.

The hon^{ble} Coll Nicholas Greenberry & Thomas Tench Esq^{r} aded.

Mr ffrisby's informacōn abt Strange Indians & Order therein.

The Hono^{ble} James Frisby Esq^{r} informs the Board concerning an abuse lately received by one Henry Penington from one of the Strange Indians, which last Assembly were Represented to be in this Governm^{t} Likewise Setting forth that they were upon Coll Hermans Manno^{r} 16: of Jan^{ry} last past contrary to the Opinion of the house of Burgesses and the Order of his Ex^{ncy} & this Board 15th of Octob^{r} preceeding; Ordered thereupon that three Copies of the said Opinion & Order be drawn forth & sent to Coll Herman, Coll Pierce & Maj^{r} Thompson who are hereby strictly Enjoyned to Observe the same, in neglect or contempt whereof the af^{d} James ffrisby is hereby Empowered to bind over to the Court any of the said persons so Offending.

p. 155 John Oldtons Lettr Relating to the Conduct of the Rangers of Baltemore County & his Ex^{ncy} & Councills Approbation thereof &^{ca}

John Oldtons Letter to his Ex^{ncy} being produced and read at the Board therein craving to have the Conduct & Charge of Baltemore County Rangers conferred upon him, Who is approved off Accordingly by the Board and Ordered that he present Six Men besides fit for that Service, Unto the Hon^{ble} Coll Nicholas Greenberry for his Approbation And that he duely comply with the late Act of Assembly passed relating thereto; his Ex^{ncy} being pleased to Signifye that he had purchased Locks and hatchets for all the Rangers by Act Appointed, which they should have, upon their Making good the same to his Ex^{ncy} And that the hon^{ble} Coll Nicholas Greenberry take Receipt for the Same.

Record of Baltemore County Cort seting forth the obstinacy of Mr Ashman & halls Refusall of serving as Justices, Order of Councill thereon & Ashmans Submission & Excuse

Produced Coppy of a Record from Baltemore County Court seting forth that Mr George Ashman & Mr John Hall (Justices appointed in the late Comission of peace to that County sent & directed) did obstinately Refuse to serve; it was thereupon Ordered that the said Ashman & Hall be bound over to Answer at the next Provinciall Court for such their contempt, And that Mr Attorney Genll prosecute the same Accordingly But the said Ashman having since by Petition made his humble Submission to his Excy is excused upon condition of his willing performance of his Duty hereafter Lib. H. D.

Choptanck Indians Complaints agt Majr Taylors intrenchmt upon their Land & Order thereupon &ca

Severall Choptanck Indians appearing here at the Board made Complaint that Majr Thomas Taylor of Dorchester County had intrenched upon their Land given and Granted them by the Lord Baltemore to live upon; therefore prayed Redress in the premisses it was thereupon Ordered that the honble Coll George Robotham Coll Charles Hutchins, Doctr Jacob Lockerman, Mr Thomas Ennalls and Mr Thomas Hicks meet at Cambridge Town in Dorchester County the 19th day of March Next and Call before them as well the said Majr Taylor as the Indians afd. and make due and strict inquiry into the Premises, And if possible to get the said Matter Accomodated; And further that Mr Smithson Resurvey the said Land, according to Order of Councill in the Lord Baltemores time.

Commissions ordered to Constitute Coll Robotham & Coll Greenberry Judges of Admiralty Court one on the Eastern & the other on the Western Shore &ca

Ordered that Comission issue to Constitute the honble Coll George Robotham Judge of the Court of Admiralty for the ffive Counties on the Eastern shore, Robert Vngle Register and Thomas Bennet Marshall And that Coll Nicholas Greenberry be Commissionated Judge of the Court of Admiralty for the ffive Counties on the Western Shore, Henry Denton Register and Thomas Collyer Marshall of the Same. Whitehall

Mr Briscoes Peticon & Excuse &ca

Mr Philip Briscoe one of the late Justices of Snt Maries County Court, upon his Petition & Evidence of two persons that he was Sick, is Excused for his Neglect in not coming to discharge the Duty of his place at that Court in Janry Last

Lib. H. D. p. 156

March 1st 1694

Councill again Sate & Were present as Yesterday Except Coll Greenberry. With the Addition of Mr Addison & Mr Brookes

Proclamacon prepared for adjournmt of the Provll Court &ca

Ordered that Proclamation be prepared for Adjourning the Provinciall Court vntill 2d Tuseday in August, by Reason the ffleet is now come in and have but a short time to stay which accordingly was prepared, Read & Signed by his Excy & passed the Broad Seale of the Province

Ordr for Coppies of the Lettr from Comissionr of the mats Custom house in London for the Sevrall Collectors of this Province relating to mats giveing Navigation Bonds

Produced by his Excy at the Board Letter from the Rt honble the Comissioners of their Mats Customes, Dated 17th November 1694 relating to the Collectors of Virginia & Maryland compelling Mats of Ships that had given Navigation Bonds in England, to give Bonds a new here, which being read his Excy in Councill was pleased to Order as it is hereby Ordered that Copyes of the said Letter be drawn forth & sent to the Severall Collectors wth in this Province, And that they severally give Answer thereto.

The Letter follows in these Words Vizt

The Rt honble the Comissionrs of their Mats Customes Lettr to his Excy relating to Navigation Bonds

Sr

It haveing been represented to us by way of complaint from Severall Mrchts of this City Trading to Maryland & Virga that Notwithstanding the Masters of their Ships doe before their Departure out of England give Bond at the Respective Port to returne with their Loading in pursuance of the Law to Some Port of England Wales or Berwick & produce Certificate thereof to the Collectors in Maryland & Virga yett the said Collrs do compell them there to give Bond againe with the same Condition thereby Creating an Unnecessary trouble & Charge, Wee desire you to Examine into this Matter in Maryland & to give Order that in all Cases where the Master or Comander of a Ship doth produce a Certificate duly vouched Under the hands of four or More of us or the Comrs of the Customes of England for the time being of his having given Bond as afd in the port from whence he Cleared such Master or Comander may be Suffered to take in his Loading wthout

being compelled to give any other the like Bond in Maryland Lib. H. D.
Wee are

S^r Your Very humble Servants — Rob^t Cleyton
Custom house London — P Ward
17^th 1694 — Rob^t Southwell
C: Godolphin

The Severall Collectors answer to the aforegoing Lett^r &ca

George Layfield Esq^r Collect^r of Pocomoke District George Plater Esq^r Collecto^r of Petuxant District & M^r Philip Clarke late Collector of Potomock District all with in this Province did severally make answer to the aboue Letter, That they were no Wayes guilty of the matter there in charged. p. 157

Order abt Willys Negros Clandestinly Brought from Barbado's by One Capt Hill & sold to one Jones wth the sd Jones's Answer thereto &ca

Produced by his Ex^ncy petition of one Edward Willy Merchant preferred to his Ex^ncy the Govern^r of Barbadoes, together with the said Govern^rs Lett^r to his Ex^ncy here, in favour of the Petitioner The Petition setting forth that one Thomas Jones had knowingly bought of Cap^t Thomas Hill Comander of the Ketch Adventure, a couple of Negro's which the said Hill had brought clandestinly away from Barbado's contrary to Law, therefore prayed that the same might be again restored to the Right owner, So that he as Security for the said Hill might not be damnifyed— Then produced a paper of the said Jones in Answer to the said Peticon whereby was signifyed that he did purchase of the said Hill two Negro's one for 7600^l of tob and the other for tenn Thousand p^ds of tob: w^ch was by him duely paid, with-all Setting forth that after his purchase of the same made, he understood the said Negro's did belong to a Plantacon in Barbado's and had a hand in the Plot, therefore were sent on Board the said Hills Vessel to be hid by two of the Seamen and were Accordingly hid, Unknown to the said Hill vntill two days after his departure from Barbado's, as the said Hill told the said Jones, And further said that to secure himself of the hazard of their Lives, he would dispose of them, And that if the said Jones would not keep them he the said Hill had Chapmen enough for to take them off his hands.

Ordered that the Attorneys be consulted therein, And their Opinion & Answer upon the same to be given, with all Expedition.

Lib. H. D. A List of what Letters and other Pappers were Preferred to his Ex^ncy Govern^r Nicholson by M^r Robert Nearn on behalfe of M^r Edward Willy of Barbadoes is as follows Viz^t

List of papers relating to Willys Negros and Nearns Receipt &ca

Imp^rs A Letter from M^r Nearn to his Ex^ncy the Govern^r Dated the 23^th of Jan^ry 1694. M^r Edward Willys Pet to the Govern^r of Barbado's ab^t two Negroe Men transported from Barbados by Cap^t Thomas Hill the said Negro's belonging to one Cap^t William Porter.

The Opinion of M^r Plater & M^r Dent Relating to the aforementioned Negro's.

M^r Nearns Pet. to his Ex^ncy & Councill ab^t the af^d Negro's in behalfe of the aforesaid Willy.

A further Report of M^r Dent & M^r Plater Concerning the af^d Negro's w^th an Order of Councill Annexed.

Thomas Joneses Answer to the Councill ab^t buying the said Negro's.

May the 21^th 1695.

Then Rec^d the aboue mentioned Papers for Acco^t of M^r Edward Willy I say Rec^d. p Me Ro^t Nearn.

p. 158 Produced the following Peticon and Read as follows Viz^t To his Ex^ncy the Govern^r and Councill in Councill Sitting

The Humble Petition of Henry Denton.

Henry Dentons Peticon for severall Allowances as Clk of the honble Councill & Ordr thereon &ca

Sheweth

That the last Gen^ll Assembly held at the City of Sn^t Maries your Pet^r humbly set forth to yo^r Ex^ncy and Hon^rs how that the house of Burgesses were pleased to Allow your Pet^r (as Clerk of the Councill) for his years Sallary the Sum̃e of Ten thousand pounds of tobacco being 2000^lb less then former Clerks in that Station Usually have had.

That during that Space of time he had been at Considerable charges in Attending upon Councills called to places remote from the City of Sn^t Maries without any Satisfaction for the same & lastly that the house had Omitted to make any allowance to y^r Pet^r for his Attendance & paines bestowed as Clerke of this Hon^ble Board in Assembly then sitting a thing altogether Unpresidentiall.

That your Ex^ncy and this Hon^ble Board were (upon the af^d Representacō̃) pleased to recommend Unto the house the

severall particulars before mentioned, for their Allowance, Lib. H. D.
who considered upon the same the sume of 2000lb of Tobacco
in full of all, So absolutly Cutt of your Petr from the usuall
Allowance made to the Clerke of this Board as likewise his
itinerant charges aforementioned, An Accot whereof lay then
before the house.

That your Petr does conceive it altogether in vain to make
any further Adress to the house of Burgesses, therefore
humbly applyes himselfe to your Excncy and Honrs for Reliefe
in the premises humbly Signifying a certain Income now
lying in the Guift of your Excncy & Councill, Namely, the
Amerciaments of the Provinciall Court, by an Act of Assem-
bly of this Province setled to be disposed off as the Governr
& Councill shall think fit, whereby yor Petr hopes his present
circumstances (through your Excncies & honrs favour) may in
some Measure at present be considered; a List of which said
Amerciamts by your Petr found out and discovered to be due
he hath here now ready to present.

Your Petr further Represents some Considerable Charge he
hath been at in purchaseing paper and Ink &ca toward the
Managmt of the Business of this Office and a Large paper
Booke for Entering the proceedings of the Councill in,
humbly also craveing Allowance for the same.

And your Petr as in duty Bound
Shall Ever Pray.

The afd Peticon being considered it is Ordered as follows
Vizt

By his Excncy the Governr and Councill p. 159
March 1st 1694/5

Ordered that all the Amerciamts belonging to the Provin-
ciall Cort and accruing from the Seaventh day of July 1691:
untill ffebry Cort last past be by the severall Sherriffes of the
Province accounted for and paid Unto Henry Denton Clerke
of their Mats honble Councill and not to their Mats Receiver
This Board having bestowed the same upon the said Denton
for Several Services by him performed and Expences dis-
bursed in the Execution of his Office.

Signed p Order
Hen Denton C of Concil.

his Excncys demand abt further proposalls & the Councills Answer &ca

His Excncy was pleased to demand of the Board if
they knew of any thing else importing their Mats
Service or interest of the Countrey now to be pro-
posed, Who made Answer, they knew of Nothing
further to propose at present.

Lib. H. D. At A Councill held at Ann-Arrundell Town in Ann-Arrundell County the Nineth day of May in the Seaventh Yeare of the Reign of our Soveraign Lord and Lady King William and Queen Mary &ca Annoq Domi: 1695.

Present

His Excy Francis Nicholson Esqr Capt Genll &ca

The honoble { Coll Henry Jowles, Coll George Robotham, Coll Charles Hutchins } { Coll David Brown, John Courts Esqr, Edward Randolph Esqr }

Produced the following Petition to the Board & was Read as follows Vizt

To his Excy ffrancis Nicholson Esqr Capt Genll and Governour of Maryland

Coll Darnalls Pet on behalf of Ld Baltemore relating to his port duties &ca

The humble Peticon of Henry Darnall Agent for the Rt Honble the Lord Baltemore for and on behalf of the said Lord Baltemore

Sheweth

That notwithstanding the said Lord Baltemore has heretofore procured their Mats Ordr (as may appeare by the Councill Bookes of this Governmt) for the ꝑmitting his said Agent to Receive & Collect his dues of one shilling ꝑ hogshead and fourteen pence ꝑ tunn The said Duties or part thereof have been contrary to the said Order received and made Use of either by the Convention before Governr Copleys time, or by the said Governr Copley after his comeing to the Governmt

p. 160 And that the said Lord Baltemore nor the Petr can noe wayes have redress therin, Unless they may have an Accot from the severall Navall Officers of this Province or a Copy from your Excy of their Severall Accots of import and Port Dutyes recd by them untill your Excies accession to the Governmt whereby your Petr in behalfe of his said Mar may be enabled to know how to Come by his said Masters dues.

Wherefore he most humbly prayes That yor Excy would be pleased to Let him have Copyes of the said Severall accots Attested by your Excy and he will pray

Henry Darnall

Answer to the said Petition Was as follows Vizt

Order upon the aforegoing Peticon granted &ea

Whereas his Maty in Councill has been pleased (on the 23th of ffebry 1692) to Order that the Lord Baltemore should be permitted, without any disturbance or interruption to Collect & Receive by such person and

persons as he shall thereunto Authorize and Appoint, the Duty of ffourteen pence p Ton for Port Duty's or Anchorage, for his owne use of Right belonging to him by Law as Lord Propriator of the Province of Maryland. Ordered as it is hereby Ordered that when the publick Accots of the Revenue belonging to this Province are by the severall Navall Officers fully brought in and stated pursuant to former Order of this Board, the Petitionr then have attested Copyes of the Same, according as he hath prayed. Lib. H. D.

Signed p Ordr Hen: Denton Clk Concil

May 10th 1695.

Councill Again Sate and Were present as Yesterday.

Capt Bartons appearance And discharg from further Attendance &ca

Came and Appeared, according to Summons, Capt William Barton of Charles County, Who being asked the Reason of his Neglect in suffering the speciall Court (whereof he was appointed Chief Judge to determaine a certain difference depending betwixt Capt Paul Bickford and Mr Joshua Broadbent) for to fall; The said Capt Barton to Excuse himselfe says, that at the two first meetings he attended the said Court, but that upon the last adjournmt he could not possibly be there, being indisposed aged & a great distance off and hard Weather then likewise falling out; The honble John Courts Esqr does in behalfe of the said Capt Barton likewise say that he alwayes observed the said Barton to be diligent in performance of his duty at the County Courts, And therefore believes that what he has said is truth, Who thereupon is Excused from his further attendance

Order to the Shffe of Charles County to take into Custody Capt Hoskins to Answere &ca

Whereas the Sherriffe of Charles County by Comand from his Excncy the Governr was Ordered that he should Summons the severall Gentl appointed to be a Spll Court for the deciding & determining a certain controversy depending between Joshua Broadbent & Capt Paul Bickford, to be and appear at Ann Arrundell Town in Ann Arrundell County by the 8th day of May instant, to shew cause why they Suffered the said Court to fall; pursuant to which said Order or Summons Capt Philip Hoskins one of the said Justices has not (as yet) Appeared; It is therefore Ordered that if the said Sherriffe has sumoned the said Hoskins, he imediatly go & take into Custody the body of the said Philip Hoskins to Answer the contempt, and if not already Summoned, that he forth with give him Notice to be and Appear before his Excncy and Councill at Ann Arrundell Town by the 16th day of May instant. p. 161

Coll John Addison comes and Takes his place at the Board.

Lib. H. D.

May 14th 1695.

Councill Again Sate and Were Present

His Excncy Francis Nicholson Esqr Captt Genll &ca

Coll Henry Jowles, Coll George Robotham, Thomas Tench Esqr, Coll Charles Hutchins
Coll David Brown, Coll John Addison, John Courts Esqr

Chancery Comission pduced & approved off the same to be shewed to the Attorneys &ca

Whitehall

Produced by Mr Attorney Genll at the Board Chancery Comission, forme of the Oath to be taken by the persons therein constituted Comissionrs as also forme of the Oath to be taken by the Register of the said Court, the which were Read approved off and delivered to Mr Attorney Genll to shew the Same to the Rest of the Attorneys & Officers of the Cort for their Approbation Also

Post Meridiem

Whitehall

Produced again by Mr Attorney Genll the Chancery Commission which was Signed by his Excncy in Councill & passed the Broad Seale of the Province

Oaths Administred to the Comissionrs in Chancery &ca

Whitehall

Afterwards the honble Coll Henry Jowles Chancelor Kenelm Cheseldyn Esqr & Majr Edward Dorsey joynt in the said Comission, had administred unto them the Oathes Appointed by Act of Parliamt to be taken instead of the Oathes of Allegiance & Supremacy and Subscribed to the Test, as also Severally tooke the oath of Commissioners appointed for keeping the Great Seale.

The forme of the Oath proper for the Chancelour, Keeper of the Great Seal or Comissionrs appointed for the keeping of the Great Seal of the Province of Maryland.

p. 162 The Oath of Chancellor &ca Administred &ca

You do swear that well and truly you shall Serve our Soveraign Lord & Lady the King and Queen and their people in the Office of Chancellor Keeper or Commissionrs appointed for the keeping the Great Seale.

That you shall truly Councell their Mats Governr of this Province in all Cases wherein you are called to Advize relating to their Mats

Whitehall

Their Sacred Mats Councill you shall keepe so farr forth as you shall be knowing therein.

That you shall do equall Right to all manner of people both Rich and poore within this Province according to Equity & good conscience. Lib. H. D.

You shall not know or suffer the hurt of the King or that the Rights of the Crown within this Province be decreased by any meanes as af[d] farr as you may prevent the same.

And if you can not prevent it you shall make it clearly and Expressly known to their Ma[ts] Govern[t] of this Province for the time being with your true advice and councill therein

So help you God &[ca]

John Freeman had also administred unto him the oathes appointed by Act of Parliam[t] &[ca] & Subscribed to the Test & likewise tooke the Oath of Reg[r] in Chancery. Whitehall

The Oath follows

The oath of Registr in Chancery

You shall swear that you shall justly and truly after your best skill & Judgm[t] Execute the Office of Reg[r] of their Ma[ts] Court of Chancery to w[ch] you are admitted. All Orders Decrees & other matters in your Office to be Entered you shall Record & true Coppyes thereof when required you shall deliver; Subpenas & other process of the Court you shall truly & indifferently make & bring to be Sealed with the Great Seale of the Province, Duly justly & equally you shall Examine their Causes that shall be Committed unto you without any favour or respect of any person or persons to be had, otherwise then of Right shall appertain concerning the Same. And you shall be as well to further their Ma[ts] designes as the same Causes from time to time as need shall require. And you shall not publish or shew directly nor indirectly the same deposition to any person afore publicacon in the Court without warrant from the said Court. And finally you shall well & faithfully behave your selfe in the Office of Register of this Court while you shall Continue in the same and untill you shall be Lawfully discharged therefrom Whitehall

So help You God &[ca]

Order abt the Condemnacon of Charles Partis his Shipp transcript to be sent for England

Upon Representation Ordered that M[r] Nicholas Milbourn and M[r] William Sharpe (upon sight hereof) procure Transcript of the Proceedings had & taken upon the Tryall & condemnation of Charles Partis Ship, in Order to transmitt the same for England to Cap[t] Francis Partis his Brother, whereby he may know the true Cause of his condemnation. p. 163

Lib. H. D. p. 149

To his Ex^ncy the Govern^r in Councill &^ca

By the Burgesses of Assembly May the 13^th 1695

The house of Burgesses Message to the Govern^r & Councill Relateing to the protested Bill of Exchang Sent to New Yorke

Whitehall

That as to the Bill of Exchange in the Lett^r of their Ma^ts hon^ble Councill of New Yorke, this house know not any thing of it. It appeares to be Drawne by his Ex^ncy Govern^r Copley, but whether for service of this Province or not is vnknown to Us nor does any Request or consent of the Representative Body of this Province appeare for the Same This Wee humbly Represent vnto your Ex^ncy as the sence of this house on the premises praying your Ex^ncies and the Councills concurrence therewith.

Signed p Ord^r
W Bladen Clk Assembly
True Copy H Denton C of Concil

May 16^th 1695

Councill again Sate & were p^rsent as before Except Esq^r Courts

Capt Philip Hoskins appearance & discharge

Capt Philip Hoskins according to Summons appears at the Board who being Asked by his Ex^ncy the Reason of his Neglect in not coming to the Speciall Court Constituted for deciding a certain controversy depending betwixt Capt Paul Bickford & Joshua Broadbent of which said Court he was appointed one of the Justices, for Excuse sayes, he was so Sick at that time, that he was not able to Traviell therefore hoped his Ex^ncy & the hon^ble Board would not Censure him in a Matter No wayes occasioned by his owne Neglect, the hon^ble Coll John Addison does say that he believes the same is true & knows that he ever was diligent in discharge of his Duty at County Courts Whereupon the Board thought fit to acquitt him from further attendance or Censure about that Matter.

May 18^th 1695.

Councill again Sate & were Present as before Except Coll Greenberry Capt Courts & M^r Frisby.

Order abt Change of Gunpowder &ca

Whitehall

Ordered that the Sherriffe of Each County (upon Sight hereof) forthwith give Notice to the Severall Military Officers in their Respective Counties, haveing Charge of any publick powder belonging to this Province that Where they find the same to prove bad they take care to get the same changed this Shipping.

Signed p Order Hen Denton C of Concil.

Coll Courseys Report Relating to Sr Edward Andross &ca

Coll Henry Coursey of Talbot County being admitted in makes the following Report unto his Exncy & the Board concerning some discourse he had with his Exncy Sr Edmond Andros touching the Colledge in Virginia, Vizt Lib. H. D.

That when the sd Sr Edmond came over into this Province he went to pay his respects to him at Majr Sewalls house where in discourse he was telling the sd Sr Edmond that there was no sort of provision made in this Countrey for the Education of Youth, but that he hoped when the Colledge of Virginia was built it would be of great benefit & Service to all these parts, to which the said Sr Edmond made answer, pish, it will come to nothing. p. 164

Comissary Genlls Motion abt his Record &ca

Moved by Mr Commissary Genll to his Exncy in Councill that an Ordr may pass for the Records of his Office to be lodged in some Roome in this Court house to be fited up for the said End & purpose.

Order abt County Clk making oath to List of ffynes &ca

Upon Representation Ordered that the Clerke of each respective County Court within this Province do for the future (when they draw out a List of the Severall ffines passed in the said Courts to be transmitted to their Mats Receiver Generall) make Oath to the same before one of the Justices of the said County before such Returne is made And that the Sherriffs Serve this Order upon the said Clks and Make Returne of their having so done unto this Board withall Convenient Speed whereby ignorance may not be pleaded. Whitehall

The Councill of Marylands Answer to the Letter by them Recd from their Mats Honble Councill of New Yorke is as follows Vizt

Ann Arrundell in Maryland May 18th 1695 p 148

the Councill of Maryland Lettr to the Councill of New Yorke answer &ca

Gentl

His Exncy has been pleased to Comunicate to Us your Letter to him (from no place) of the first of March 1694/5 wherein you take Notice that his Exncy your Governr Received a Lettr believed to be from his Exncy our present Governr though not Signed by him, which if so, was occasioned by Mistake and not designed: Wee therefore send you now here inclosed a Duplicate thereof, as also of the two papers then sent therewith to his Exncy your Governr Your Lettrs With an Accot of Governr Copleys Protested Bill & Damages amounting to the Sume of 453l Sterl were sent to the House of Burgesses and their Whitehall

Lib. H. D. Answ[r] thereto is likewise inclosed As to this their Ma[ts] Governm[t] of Maryland being indebted to their Ma[ts] Province of New York & touching the Bills of Exchange the late Govern[r] Copley pass'd and remitted to your Govern[r] Wee find Nothing Entred in the Journall of the Councill relateing to that Affaire, And therefore looke upon it as Govern[r] Copleys Private Act; But whensoever their Royall Ma[ts] are pleased to Comand our Assistance in defence of their Province of New York against the ffrench or others their Ma[ts] Enemies, All ready and due Obedience shall be given by.

S[r] your humble Servants

Munday May 20[th] 1695.

Councill again Sate and were present

His Ex[ncy] Francis Nicholson Esq[r] Cap[t] Gen[ll] &[ca]

Co[ll] Henry Jowles
Co[ll] Nicholas Greenberry
Thomas Tench Esq[r]
Co[ll] Charles Hutchins
Co[ll] David Brown
Thomas Brooke Esq[r]
Edward Randolph Esq[r]

Order abt Marriage Licenses the profits to be pd to Mr Cheseldyn &ca

Ordered that the Sheriffe of each Respective County make inquiry w[t] persons are or have been Empower'd to Grant Marriage Lycenses within this Province Since the arrivall of his Ex[ncy] Francis Nicholson Esq[r] And that they give directions to such persons Empowered for to Answer and pay the profits thereof unto M[r] Kenelm Cheseldyn or order for the use of Doctor Pains Brothers Child, now under his tuition and care.

Order abt Broken Armes to be sent for England &ca

Ordered that the broken Armes which lye lodged at M[r] Harpers in Petuxant River be by George Plater Esq[r] taken care off & Shipt for England to M[r] Perry & Lane, and that such as are worth fiting up be fitted & Sent again and the rest disposed off to the best advantage for the use of the Countrey.

Esq[r] Randolphs Motion for Leave to Go to England

Whitehall

The hon[ble] Edward Randolph Esq[r] humbly moves his Ex[ncy] & the Board that he may have Leave to go for England this Shipping signifying his occasions by the following paper Presented. Viz[t]

To his Ex[ncy] Francis Nicholson Esq[r] Cap[t] Gen[ll] & Govern[r] in Chief of the Province of Maryland.

May it please your Ex[ncy]

p. 165 After my great Endeavours to Suppress the illegall Trade Carried on in Virginia Pensilvania & this Province, I find that

by the partiality of Juryes & others that I can obtain no cause for his Ma^ts^ upon the most apparent Evidences in the Courts of Record holden in these Severall plantacōns, but that by such partiall proceedings the Trade of Importing Goods from Scotland and the carrying Tobacco directly from the said plantations to Scotland &^ca^ is increased, and as yet no Remedy appeares for regulating such apparent breaches of the Severall Acts of Trade can be found out without particular directions from the R^t^ hon^ble^ the Lords Comission^rs^ of the Treasury & Hon^ble^ the Commission^rs^ of the Customes. I therefore desire your Ex^ncy^ in Councill to grant me Leave to goe for England with this ffleet that I may Represent what I find most proper for their Ma^ts^ Service, all which is Submitted

Lib. H. D.

Whitehall

E Randolph

It being for their Ma^ts^ Service leave is accordingly Granted him

Mr Dent Sworn their Mats Solicitor Genll &ca

M^r^ William Dent had administred unto him the Oathes appointed by Act of Parliam^t^ instead of the Oathes of Allegiance & Supremacy & Subscribed to the Test, And was also sworn their Ma^ts^ Solicitōr Gen^ll^ in all Causes except such as he is already retained in for other persons.

Whitehall

May 17^th^ 1695

Governrs Demand abt Navall Officers allowance &ca

In peruseing over the Navall Officers Acco^ts^ belonging to the Publick Revenue of this Province, his Ex^ncy^ is pleased to ask the hon^ble^ Edward Randolph Esq^r^ Dep^ty^ Audito^r^ &^ca^ whether he has any power or Orders to allow the Navall Officers 10 ℔ Cent for paying and receiving the same, which article his Ex^ncy^ finds the said Navall Officers charge, to which the said M^r^ Randolph answers that he has no such power or orders.

Whitehall

Mr Clarkes relation of Sr Edmond Andross Shewing him the Colledge in Virga &ca

M^r^ Philip Clarke being admitted says, that he being in Virginia in company with his Ex^ncy^ S^r^ Edmond Andros, he the said S^r^ Edmond said to him, I will go and shew you the Colledge, but you'l expect I should shew you the ffree schole first, but I suppose this Colledge is to teach Children their A: B: C:— Coll Jenings & M^r^ Haymond told M^r^ Philip Clarke, that the Reason why S^r^ Edmond was angry with M^r^ Blaire was for his preaching a Sermon wherein he did say, that they who w^th^drew back & did not put forward their helping hand towards the Building of the Colledge would be Damned.

Lib. H. D. p. 166 Coll Robotham sworn Judge of the Vice-Admiralty on the Eastern Shore &ca

The hon^ble^ Coll George Robotham had administred unto him the Oathes appointed by Act of parliam^t^ to be taken instead of the Oathes of Allegiance and Supremacy as also the Oath of Judge of their Ma^ts^ Court of Vice-Admiral on the Eastern Shore & Subscribed to the Test, who at the same time had delivered unto him a Comission for the same & Whitehall Copy of the said Oath taken together with Comission for Robert Vngle to be Register & Thomas Bennet Marshall of the said Court, having power also given him by his Ex^ncy^ to Administ^r^ the Oathes Appointed by Act of Parliam^t^ &^ca^ & Test w^th^ Oath of Register & Marshall vnto the said Vugel & Bennet.

Coll Greenberry sworne Judge of the Vice Admiralty on the Western Shore &ca

The Hon^ble^ Coll Nicholas Greenberry being constituted Judge of their Ma^ts^ Co^r^t of Vice-Admiralty on the Western Shore Henry Denton Regist^r^ and Thomas Collyer Marshall of the said Court, had also Administered unto them the Aforementioned Oathes and Subscribed to the Test.

The forme of the Judges oath is as follows Viz^t^

Oath of the Judge of Vice Admiralty

Maryland ss

I Nicholas Greenberry do swear that as Judge of their Ma^ts^ Court of Admiralty in this Province I will doe Equall Right to the Poore & to the Rich in all things that shall come before me according to the best of my power skill Whitehall and knowledg and according to the Customes Uses & presidents of the said Court, I will to the Utmost of my best Skill & knowledge & according to power See that their Ma^ts^ Rights shall be duely Maintained & all ffynes and fforfeitures that shall fall before me shall be duly entered & a fair Record thereof made I will not delay nor hinder Justice nor take any bribe guift or Reward to the Intent to delay pervert or hinder the same but in all things to the best of my Judgm^t^ will carry and behave my Selfe in the said Office Justly & honestly so long as I shall continue in the same &^ca^

So help me God

fforme of the Registers Oath, Viz^t^

Oath of Register of Vice Admiralty &ca

Whitehall

You as Clerk or Regist^r^ of this hon^ble^ Court shall make just & true Entry of all such Judgm^ts^, Orders, Decrees, Rules, Process or Proceedings that shall be adjudged, Ordered, decreed, Ruled or Proceeded in, by & before their Ma^ts^ most hon^ble^ Judges of the same Court, and a

just true and fair Record you shall duly & truly make or cause Lib. H. D.
to be made thereof; You shall do no falshood nor consent to any to be done in the Court, And if you know of any you shall inform his Ex^ncy the Govern^r or other Judge of the same Court that it may be reformed you shall delay no man that has to do with you in your said Office, either for Envy, hatred or hopes of gain; You shall increase no ffees but be content with the ffees limitted or to be limitted by Law or the Order of the Court; and finally you shall Well & faithfully Execute the Office of Clerk or Register of this hon^ble Court, while you shall continue in the same, & till you shall be Lawfully discharged thereof

So help you God.

Forme of the Marshalls Oath Viz^t p. 167

Oath of Marshall of the Admiralty Cort &ca

You shall Swear that as Marshall of their Ma^ts Court of Admiralty in this Province, You shall well Whitehall and truly serve their said Ma^ts & their hon^ble Judge in all Things appertaining to the said Office and place according to the usages; practice & presidents of the said Court in this Province. You shall duly & truly Execute all such Writts precepts & process as shall be to you directed issueing out of the said Court and make due and true Returne thereof, and see that their Ma^ts Rights be duly preserved, You shall delay no man of Envy hatred or Malice you shall take no bribe to pervert Justice, you shall do no fraud nor consent to any to be done in the said Court, And if you know of any to be done you shall informe their Ma^ts Judge thereof that it may be reformed, and finally you shall well, faithfully & truly behave yourselfe in the said Office of Marshall of the said Court so long as you shall continue in the same.

So help you God

May 21^th 1695

Councill again Sate & Were Present as Yesterday.

Mr LLewellins Oath relating to the publick Revenue &ca

Came M^r John LLewellin and declared before his Ex^ncy in Councill (being sworn upon the holy Evangelists) that he never was imployed or concerned in collecting or receiving the Imposition of one shill or two shill p hogshead since the Revolution, or other publick revenue belonging to the Province, nor Received or tooke into his Custody any Bills of Exchange for the same but what was by him delivered up to his Ex^ncy Coll Copley decd or to Coll Ne^a Blackiston by Order of the Committee, Septem^br 5^th 1690,

Lib. H. D. And that he hath no other or further Acco^{t} to give relating to the said Revenue to the best of his Remembrance & knowledge.

Read a Lett^{r} from the L^{ds} of the Committee of Trade & Plantacons & Likewise her Sacred Mat^{s} ord^{r} in Councill relating to the Cruising of a Vessell to prevent false Traders &c^{a}

Whitehall Produced and read a Letter from the R^{t} Hon^{ble} the Lords of the Committee of Trade & fforraign Plantations unto his Ex^{ncy} touching hiring Vessells to keepe cruising in this Province & betwixt this & Pensilvania, in Order to prevent illegall & false Traders; Produced also her sacred Ma^{ts} Ord^{r} in Councills relating thereto as likewise directions and Instructions about the same, upon which his Ex^{ncy} desired the advice of the Board therein; who were consenting to the said Matter, if a fit person can be found out to Manage the said concerns.

Order for Drawing Comission for Capt Meech to Cruise &c^{a}

Came Cap^{t} Thomas Meech, who tendering his service upon that score, & being thought a person well qualifyed for such an vndertaking; His Ex^{ncy} in Councill was pleased to Order as it is hereby Ordered that Comission be prepared for him accordingly, he giveing Bond with two sufficient Sureties for the due Execution of the said Trust & that M^{r} Attorney & M^{r} Sollicitor Gen^{ll}
p. 168 draw the said Comission and Bond & be Regulated in doing the same by the aforementioned Ord^{r} of Councill Lords Lett^{r} and Instructions aforesaid and that an Instruction be inserted in the said Bond that he in no wise molest or trouble fair Traders but to Assist them And apply himself wholy to the detecting vnfair and illegall Traders, And further Ordered that a Gen^{ll} Warrant be drawn for to Empower him (upon Occasion) to press Seamen provided he pay their Wages; therein Commanding all persons Military & Civill within this Province to be Aiding & Assisting to him in the Just & due Execution of his said Comission: And further Ordered that the Oathes appointed by Act of parliam^{t} to be taken instead of the Oathes of Allegiance & Supremacy & Oath of Trade & Navigation be administred unto him and that he Subscribe to the Test.

The said Meech Signifying his Readiness to Enter upon the s^{d} Imploy in a very short time, brought Robert Mason & Philip Clarke both of Sn^{t} Maries County his securities who Obliged themselves before his Ex^{ncy} in Councill to Answer all Damages which may any wayes Ensue through Meanes of him the said Meech's fitting out a Vessell to Cruise as af^{d}, And that they will Enter into Bond for the Same, whensoever they shall be thereunto Required.

fforme of a Surveyo^{rs} Comission, Dedimus & Oath one whereof sent to each County of the Province, Viz^{t} Lib. H. D.

Surveyors Comission Granted &c^{a}

William & Mary by the Grace of God King and Queen of England Scotland ffrance and Ireland Defenders of the ffaith &c^{a} To of County in our Province of Maryland Gentl: Greeting out of the Speciall Trust and Confidence Wee Repose in yo^{r} fidelity care and Ability to Survey Lands, Wee have thought fit to Constitute and Appoint, And Wee do hereby these P^{r}sents constitute, Ordain & Appoint you the said to be surveyo^{r} within all the Limits and Precincts of County afd To have & To hold the said place of Surveyo^{r} during pleasure together with all ffees, profits, perquisits and Advantages, to the same belonging or in any wise appertaining Provided you the said shall well & truly execute all such legall precepts as likewise comply with and observe all such Instructions as from time to time (during the Continuance of this Comission) shall or may come directed unto you; Given vnder the Great Seal of our Province this 21th day of May, in the seaventh year of our Reign &c^{a} Annoq Domi: 1695. Witness our Trusty & well beloved ffrancis Nicholson Esq^{r} our Capt^{t} Gen^{ll} & Govern^{r} in Chief in & over our said Province & Territory aforesaid. Whitehall

Form of the Dedimus &c^{a} Indorsed. p. 169

To the Justices of County Greeting These are to Authorize & Empower you . . . or any four or more of you Whereof one to be of the Quorum, to Administer in open Court the Oathes appointed by Act of Parliam^{t} to be taken instead of the Oathes of Allegiance and Supremacy unto the within named & tender the Test by him to be Subscribed to, as also administer unto him the Oath of a Surveyo^{r} herewith sent for which this shall be your Sufficient Warrant Given vnder my hand and Seal this day of in the seaventh year of the Reign of our Soveraign Lord and Lady King William and Queen Mary Annoq Domini 1695. Whitehall

Form of a Surveyo^{rs} Oath

Oath of Surveyor of the Severall Countyes &c^{a}

I, C: B: do swear that I will well and truly Execute & perform the Office of a Surveyo^{r} within the County of I will do Right according to my skill and power to all manner of persons, poore & Rich with out favour, Affection, hatred or Malice to any person or persons whatsoever I will without delay well and truly Execute all such Warr^{ts} & Ord^{rs} for Surveying and Resurveying Lands within the County afd as from time to time shall

Lib. H. D. come directed unto me from their Ma^ts p^rsent Govern^r of this Province or any other Authority or Power derived from his Ex^ncy and make due Return of all Certificates of the same unto such place or places as by the afd Warr^ts or Orders I shall be directed, I will increase no ffees, nor directly or indirectly Exact, demand, Receive or take any reward off or from any manner of person or persons whatsoever for to Doe right or wrong other than the vsuall allowed ffees appointed for the Surveyo^r Gen^ll by the Act of Assembly of this Province, having no Reguard to other profit or advantage to me or any other person, And lastly I will in all things discharge my Duty in the Office of Surveyo^r of County afd to the best of my power, Skill & knowledge so long as I shall continue therein. So help me God.

Surveyors for the Severall Countyes constituted Viz^t

List of Surveyors appointed &ca

Whitehall

for Sn^t Maries County . . .	M^r John Lowe
for Kent County	M^r Simon Wilmore
for Ann Arrundell County .	M^r Richard Beard
for Calvert County	M^r Edward Balson
for Charles County	M^r Joseph Manning
for Baltemore County . . .	M^r Thomas Richardson
for Talbot County	M^r Solomon Wright
for Sumerset County . . .	M^r Edward Green
for Dorchester County . .	Maj^r Thomas Ennalls
for Cæcill County	M^r Thomas Coursey

May 22^th 1695.

p. 170 Councill again Sate & were present as before

Order to the Constables abt the Loss of hogs & Cattle to be returned &ca

Ordered that the Constables of the severall and Respective Counties within this Province, at the same time they take a List of the Tythables within their Hundreds that they also take an Exact Acco^t from the Severall house Keepers of the Number or quantity of hogs and Cattle they have lost this year, and make Returne of the same to his Ex^ncy and this Board with all convenient speed.

Lett^r to the Councill of New York Signed by the Councill of Maryland. Governrs Demand abt the Same

The Severall Members of their Ma^ts Hon^ble Councill Sign a Letter by them Writt to their Ma^ts Councill of New Yorke, in Answer to a Lett^r Rec^d from the said Councill of the 1^st of March 1694/5 His Ex^ncy demands to Know whether any further Answer shall be given than what they have now writ, Who make answer that they do imagin they have Writ full enough already.

Order that James Crawford be discontinued from any publick place of Office &ca

Ordered that if James Crawford of Calvert County does at present Officiate any Publick place or places of profit within this Province that he be discontinued from henceforth to Act any further in the Same and that some other person or persons be constituted in his stead. Lib. H. D.

Presented to the Board by Thomas Tench Esqr the follow ing Peticōn Vizt

To his Excncy Francis Nicholson Esqr Capt Genll & Govr of Maryland in Councill &ca

The humble Petition of Thomas Tench Esqr

Esqr Tench's Peticōn relating to the Tryall of the Ship Ann &ca & Ordr therein &ca

Humbly Sheweth

That forasmuch as upon a hearing in Matter of Law, vpon a Judgmt of the Provinciall Court concerning the Seizure of the Ship Anne from which the sd Ship was discharged by Verdict & Judgmt of the said Court, the same Judgmt is reversed whereby the said Ship is become lyable to a second Tryall, as to the fact, And for as much as the Loading is ready for the said Ship and shee ready to take it in if cleared, or if not the sd Cargo may be otherwise disposed.

He therefore humbly prayed your Excncy to Ordr Some time for the Tryall thereof with as much speed as Affaires of that Nature in yor Excncies wisdome shall be thought fitting.

And he shall ever pray &ca

The said Petition was Ordered to be indorsed thus, Vizt

By his Excncy the Governr and Councill p. 171

May 22th 1695.

Ordered that the within petition be Referred to the severall Lawyers in Town for them to Consult what the Law directs in that Case and tht they make Report thereof accordingly to this Board.

Signed p Ordr

Hen Denton C of Concil.

Governrs Demands of Esqr Tench abt the Ship & his Answer therto &ca

His Excncy demands of Mr Tench how the said Ship came to be of so much less Value than she was upon the first appraisemt and how he came to remove the sd Ship vnder Seizure to another place, who makes answer that the occasion of so great difference in the appraisemts was through meanes of the damage she Suffered by the Ice this last Winter, and lying in a Muddy place

Lib. H. D. which Rotted the Cables & Cost two of her anchors; and as to the removing of her he does say she had been cleared by a Speciall Court.

Post Meridiem

Attorneys Report abt the Ship Ann & Mr Tenches Motion

Pursuant to the aboue Ord^{r} of Reference the Severall Attorneys in Town bring in their Report, and humbly Offer that the said Shipp is still left vnder Seizure, and that no condemnation can follow, but that she must be Tryed a new—Vpon Motion by Thomas Tench Esq^{r} made for a Speedy Tryall of the said Ship; proposed by the said M^{r} Tench, that if liberty may be given him to Remove the said Ship into the ffreshes to secure her from the Worm, And Madam Blakiston perswaded to take off her Replevin laid upon the said Ship he should be content to Stay till the Next Provinciall Court for a Tryall

Richard Harrisons Pet to his Exncy & Councill abt the Estate of Mr John Abington &ca

Richard Harrisons Petition read, praying that his Ex^{ncy} and this Board would be pleased to appoint some honest Man or Men to Mannage & take care off the Estate of John Abington dec^{d} to the Vse of the persons it belongs to and that he may be Satisfyed a Consid^{r}able Debt due to him from the said Estate, Signifying in his said Petition that the Commissary would not permitt him to Administer by reason of his Tenderness of Conscience whereby he could not qualify himself according to Law; but that James Crawford this person to whom Administracō̄n had been committed, he did believe did designe some fraud in the Matter, therefore prayed some honest Man or Men might be appointed as aforesaid And thereupon was sent for M^{r} Commissary Gen^{ll} M^{r} Crauford & M^{r} George Lingan. And Accordingly came M^{r} Commissary, M^{r} Lingan & M^{r} Crauford by M^{r} William Dent his Attorney, the Pet^{r} being likewise p^{r}sent and after a full debate of the same had, it being made appeare by the said Harrison that the said Crauford is indebted to the said Estate, and that M^{r} Lingan had some Authority from the Adm^{rs} in England where the said Abington dyed; it is therefore demanded whether the said Lingan would intermeddle there with, And he Accepted thereof Accordingly; M^{r} Commissary thereupon Acquaints him that Letters of Administration shall be granted him (upon his giveing good security) And that Crauford should be called to Acco^{t} & the Letters of Adm$^{rcō̄n}$ Granted him made Void.

p. 172

Majr Thompson took the Oaths &ca & had Comiçon for being Naval Officer

Majr John Thompson had administred vnto him the Oathes appointed by Act of Parliamt to be taken instead of the Oathes of Allegiance & Supremacy & Subscribed to the Test, and likewise tooke the Oath of Trade & Navigation and Received a Comission at the Board for Navall Officer of Cæcill County who at the same time Entered into Bond for his due Execution of the said Trust, Coll Casparus Herman being his Security. Lib. H. D. Whitehall

fforme of A Navall Officers Comission is as follows Vizt

form of a Navall Officers Comission

Francis Nicholson Esqr Capt Genll & Governr in Chief of their Mats Province in Maryland

To

of County Gentl Whereas by one Act of Parliamt made in the fifteenth year of the Reign of King Charles the Second Entituled an Act for the Encouragemt of Trade amgst other things it is Enacted for the Better prevention of fraudes That all Mars & Comanders of Ships & Vessels Comming into any Land Island Plantation Colony Territory or place belonging to his Maty his heires and Successors shall make known to the Governr of such land Island Plantation &ca or such other Person or Officer as shall be by him therevnto Authorized & Appointed in Pursuance Whereof & for the Better Execucon of the said Act & other Rules contained in Severall Acts of Parliamt Relating to the duty of a Navall Officer as also the severall Laws of this Province, I do hereby Authorize and appoint you to be Navall Officer of the Town and Port of in County with full Power & Authority to Exercise the severall Powers therein Contained & to observe all such directions as you shall from time to time Receive from me Relating to the duty of the said Office, And all Officers Civill & Military & their Mats Loveing Subjects are hereby desired and Commanded to be aiding and Assisting to you the said in the due Execucon of your Office, Given vnder my hand and Seale at the of this day of in the Yeare of the Reign of our Soveraign Lord the King Anno Domi: 169 p. 173

Militia Officers to give Notice to the Soldiers to provide themselves with Arms &ca

Ordered that the Colonel of each respective County give Notice to the Severall Militia Officers vnder their Comand that they publish and Make known to their Respective Troopes and Company's that they provide themselves with Armes & Amunicon pursuant to the Act of Assembly of this Province this last Sessions made and Enacted, And that they Slip not the opportunity of Sending by this ffleet. Ordered that Whitehall

Lib. H. D. Whitehall

Proclamation issue to give Notice of the house of Burgesses agreement made with Capt Perry which accordingly issued was signed by his Excy and passed the Broad Seal of the Province the Tenor whereof followeth in these Words Vizt

By his Excy a Proclamation

Proclamation for Setling the post stages

Whereas the Burgesses and Delegates at a Genll Assembly of this Province begun & held at Annapolis the Eighth day of May instant have thought fit/ for their Matts Service & benefit of the Countrey & promoting the post Office to appoint and Settle Some person of Trust and integrity to keep going betwixt the River of Potomock in Maryland & Philadelphia in Pensilvania in the Nature of a Post for the quick and speedy dispatch of Letters &ca And forasmuch as the said Burgesses & Delegates have Entered into agreemt with one John Perry who has vndertaken the said Imploy I have thought fit (for informacon of the inhabitants of
p. 174 this Province) to Publish and Make known & I doe hereby Publish and Make known that the agreemt afd and Stages Allotted for the said Post to goe are in manner following layd downe (that is to Say) Eight Times in every Year betwixt Potomock and Philadelphia aforemencōned & is to begin at Newtons Points upon Wiccocomaco River in Potomock & from thence to go to Allens Mill from Allens Mill, to Benedict Leonard Town, from Benedict Leonard Town over petuxant River to Mr Lingaus, from Mr Lingaus, to Mr Larkin's, and so to South River and Annapolis formerly Ann Arrundell from thence to Kent & so to William Stadt formerly Oxford, and from thence to Danll Toas's and so to Adam Petersons and frow thence to New castle & so directly to Philadelphia & Returne the same Way back again to Potomock And at all those places Receive Carry, bring, & Leave all Pacquets and Letters of & from the Inhabitants of this Province at his Nearest Stages according to the Directions of the Same, for which he is to take no gratuity or Reward for carrying any Lettrs from this Province to Philadelphia or bringing any from Philadelphia hither & delivering the same according to directions at his Nearest Stages And if further Occasion Require he is to goe to New Yorke Virga or else where as by me he shall be directed for which the Assembly of this Province have agreed to Allow the Sume of fifty pounds Sterl Yearly And to the End due Notice hereof may be given I hereby comand the Sherriffes of the Province to Make Proclamation hereof in the Most Publick and convenient places within their Respective Counties. Given at Annapolis Under the great Seale of the

Province this 22th day of May in the seaventh Year of his Ma^ts^ Reign Annoq Domi: 1695. Lib. H. D.

God Save the King ffr: Nicholson

True Copy from off the Originall

H Denton C of Concil

The abousaid Post is to Set forward his stages from Newtons point (God Willing) the last Munday in June next and this is to give notice that all Letters that are brought or Sent to the Port of Annapolis are ordered to be delivered into the Secretaryes Office for all persons, to have Recourse to.

Mr Platers Oath to his Collection of the 1s p hhd

Came George Plater Esq^r^ and produced to the Board his Acco^ts^ of Collection of the 1^s^ ꝑ hogshead Impost within the districts of Petuxant and Potomock which made Oath that the same were just and true Acco^ts^ during his Officiating the Navall Officers place for those two Districts p. 175 Whitehall

Mr Philip Clarks Oath to his Acco^t^ of the 1s p hhd

Came M^r^ Philip Clarke & made Oath to his Acc^t^ of Collection of the 1^s^ ꝑ hh^d^ Impost within the District of Potomock af^d^ that the same is a just & true Acc^t^ during his time of Officiating that place. Whitehall

Majr Robt Kings Oath to his Acct of the 1s p hhd

Delivered in at the Board Maj^r^ Rob^t^ King his Acc^t^ of the 1^s^ ꝑ hhd Impost by him Collected within the District of Pocomoke & sworn to before his Ex^ncy^ the Govern^r^ in Presence of Thomas Tench & Edward Randolph Esq^rs^ two of their Ma^ts^ hon^ble^ Councill and George Layfield Esq^r^ their Ma^ts^ Collector of Pocomock District, that the same is a Just & true Acco^t^ Whitehall

¾ths of the 1s p hhd Order'd to be paid to his Excell

Ordered that the said severall Officers pay unto his Ex^ncy^ the Govern^r^ the three fourth parts of the aforementioned Impost by them Collected since the Arrivall of his Ex^ncy^ upon his Ex^ncys^ Warrant unto them directed for the same; and that the remaining fourth part be duly applyed towards the maintaining the Magazine with Arms & Amunition for the defence of this Province pursuant to his Sacred Ma^ts^ Royall Instructions. Whitehall

Came George Plater Esq^r^ their Ma^ts^ Receiver Gen^ll^ & acknowledged that he had Received according to his Ex^ncies^ Ord^rs^ and directions p^r^sently after his Arrivall in Bills & otherwise to the full Vallve of the ffourth part of the 1^d^ ꝑ hhd as by the above three Acco^ts^ adjusted appeares, and had sent to Cap^t^ Pagan for the severall Armes &^ca^ following pursuant to Ord^r^ Whitehall

Lib. H. D. At the same time his Ex^ncy gave order to M^r Plater that notwithstanding the Acco^t of the quarter part of the 1^s p hhd this Year cannot be at present made out & Adjusted yet that
Whitehall he should Remitt to Cap^t Pagan as much Money as he findes the same will amount to & likewise gave Order to M^r Clarke to send Bills of Exchange to M^r Plater for the quarter part which this ffleet should come to his hands and further that the said M^r Plater remitt out of his Ex^ncies owne private Acco^ts the sume of 12^l sterl: upon Acco^t for the quarter part of the said 1^s p hhd which is supposed may be collected by Maj^r King Navall Officer of Pocomoke but the Acco^ts thereof & Bills for the same cannot with conveniency be adjusted & sent hither to go with this ffleet, therefore does for the vse of the Countrey, disburse the said sume, the said Maj^r Kings last yeares Acco^t for the quarter part amounting to about that Sume, All which said Bills of the quarter part so to be remitted are by the said Cap^t Pagan to be disbursed & laid out for the purchasing the following Armes &^ca

p. 176 An Acco^t of Armes sent for last Shipping Viz^t

Twenty Dragoons bridles and Sadles.

Ten hand Mortars such as the two Companies at Tangier had sent them when my Lord Dartmouth was there To inquire of S^r Henry Goodrick or Some other Officers at the Tower of the price and where they are to be had, with one hundred hand Granadoes fit for those hand Morters and ffuzees with proper wadding & directions how to use them.

Halfe a dozen instrum^ts to Trye powder with & the rest of the 250^l sterl. to be laid out in Granaderes Armes, Viz^t slung fuzees Sanguind or otherwise fited the best way to keep them from Rust and Byonets fit for the Bore of the fuzees with large Cartouch Boxes to hold betwixt two or three dozen of Carthrages and to send good hatchets. The Cartouch box to goe upon one belt and the hatchet & Byonet in two hangers upon the same belt & pouches to carrye the Granadoes in.

An Acco^t of Armes &^ca now Ordered to be sent for Viz^t

Iron worke for ffifty wheel barrows.

ffifty Shovels & fifty Spades, 25 pick Axes & 25 mattocks.

Two Union flags with Lines a Large & a little one.

Six Dragoon Drums & two spare heads for each & Six brass trumpets 10,000 flints for horse & 10,000 flints for foot, 2000 Weight of Bullets for Muskets.

2000 for Carabines & 2000 for pistolls.

200 Granado shells more, Answerable to the Mortars sent for, the Rest of the Money to be laid out, the one Moiety thereof in Carabines with bells and Sweevels and the other Moiety in pistolls plain and strong. Lib. H. D.

Ten budge barrells to carrye powder in.

ffifty hand bills.

Cap^{t} Pagan desired to send in these things & that Money he Remitted to him, Viz^{t} quarter part of the 12^{d} ꝑ hogshead.

Hen Denton C of Concil.

Warrant from his Ex^{ncy} the Govern^{r} upon George Plater Esq^{r} late Navall Officer of Petuxant & Potomock District for the sum̄e of 682^{l} 04^{s}: 08^{d}: sterl sent directed as follows Viz^{t}

His Exncies Warr^{t} to Mr Plater to pay him 682^{l} 04^{s} 2^{d}

You are pursuant to his Ma^{ts} Royall Instructions p. 177 to me bearing Date at Whitehall the Eighth day of March 1693/4 Viz^{t} And whereas by an Act past in the Assembly in Maryland the 30th day of Aprill 1679 An Impost of Two shill ꝑ hogshead is laid upon all Tob: exported out of our said Province, one Moiety of which Impost is by the said Act appropriated for the Use & Support of the Governm^{t} Our Will & Pleasure is that towards the Maintenance of the Governm^{t} of our said Province you take to your owne Use three fourth parts of the said Moiety of the Impost of Two Shill ꝑ hhd of Tob^{o} appropriated as aforementioned by the said Act, And you are to Take especiall care that according to the intention of the said Act, the remaining ffourth part of the Moiety of the said Impost be duly applyed towards the Maintaining a constant Magazine with Arms & Amunition for the Defence of our said Province And by an Order of Councill this day, to pay unto me the sume of Six hundred & eighty two p^{ds} four shillings two pence farthing sterl: for which this shall be your Sufficient Warrant Given under my hand this 22th day of May in the 7th year of his Ma^{ts} Reign &^{ca} Annoq Domini 1695.

To George Plater Esq^{r} late Navall Officer of Petuxant & Potomock Districts

These

His Exncies Warr^{t} to Mr Clarke to pay him 84: 18: 09:

The same upon M^{r} Philip Clarke, Navall Officer of Potomock District for the sum̄e of Eighty four pounds Eighteen shillings & Nine pence sterl.

His Exncies Warr^{t} to Majr King to pay him 37: 14: 11½

The same upon Maj^{r} Robert King, Navall Officer of Pocomoke District for the Sum̄e of Thirty Seaven pounds, fourteen shillings & Eleven pence halfe peney st^{rl}

Lib. H. D.

May 23th 1695.

Councill again Sate & were Present.

His Exncy Francis Nicholson Esqr Captt Genll &ca

Coll Henry Jowles
Coll Nicho Greenberry
Thomas Tench Esqr
Coll Charles Hutchins
Coll David Browne

Coll Coods Oath to his Accot of the 1s p hhd & of the Accot depending betwixt him & the Governmt

Came Coll John Cood & made Oath before his Exncy in Councill to Severall Accots to which he had signed, relating to the 1s p hhd by him Collected within the District of Potomock, that the same were just & true Accts and that he knew not off or had any other Accts to render; the Accot depending betwixt him and the Governmt being then likewise delivered and sworne to.

p. 178 Mr Samll Cooksey makes Oath to severall Accots of the 1s p hhd

Came Samuell Cooksey late Navall Officer of Potomock District who made Oath before his Exncy in Councill to severall Accots to wch he had Signed relating to the 1s p hhd by him Collected within the District of Potomock, that the same were just and true Accots and that he knew not off or had any other Accots to render.

Mem that one of the sd Accots he makes Oath to be only a true Copy, having signed to the same in behalfe of Coll Cood.—

Coll Cood Order'd to demand of Madam Blackiston a full Accot of the Revenue Collected by Coll Blackiston in his life time

Ordered that Coll John Cood high Sherriff of Snt Maries County go to the house of Mrs Elizth Blakiston and Demand of her a full Accot of all the Revenue by Coll Blakiston in his life time Collected, during his Officiating in that place, as well of the 4d p gall upon Liquors the 14d p Tun, as of the Duty of one shill p hhd: Impost &ca which said Accots by you Received or what you do therein you are to make returne unto his Exncy with all possible Speed.

Mr Plater Order'd to Demand of Madam Bourn all Books Writings & papers relating to the Revenue &ca

Ordered that George Plater Esqr go to the house of Mrs Elizth Bourn & make demand of her delivery unto him, all Bookes Writings & papers, relating to the Publick Revenue of this Province, not yet delivered pursuant to an Oath by her taken in Councill to the said Effect, and that the said Mr Plater make return of what he Receives or does therein unto his Exncy with all possible Speed.

Under neath the said Ordr was thus written, Vizt Lib. H. D.

Mr Plater Order'd to Appoint Deputies at Annapolis & Wm Stadt &ca

Mr Plater

You are likewise by Order abouesaid to give Notice to the severall Mars of Ships as they come to Cleare, that such Ships as for the future come to the port of Annapolis or William Stadt, that they go directly to the said Ports for to Enter, Officers being there appointed for their Entring &ca

You being hereby likewise Ordered to appoint & place Deptv Collectors vnder you in the said two places, and you are further to give Notice that such Ships as go into Cæcill County, Stop at Annapolis to Enter, & not at Petuxant. Lastly if the ships have not Entered & Cleared with Majr Smithson, that they be Entered & cleared by you or your Deptv there till further Ordrs from his Excy

John Watson Esqr his Petition praying to be dismissed from further serving at the Provll Court is dismissed accordingly, by reason of his remote living from this place.

Ann Arrundell in Maryland May 23th 1695

Mr Denton's Lettr to the Councill of New Yorke &ca

May it please your honrs

A Letter of the Eighteenth instant being directed from their Mats honble Councill of this Province unto Your honors Wherein it is said Your Lettr wth an Accot of Governr Copleys protested Bill and Damages amounting to the sume of 453l sterl: were sent to the house of Burgesses And their Answer thereto inclosed; this comes to signify to your honrs that (by my inadvertency & Neglect to whom the care of makeing up that pacquet was committed) I forgot to inclose the said Answer but have herewth sent it, hoping your honrs will be pleased to pardon this Error comitted & therein I shall always wth thankfull Remembrance acknowledg the favour done to your Honors Most Oblidged & Humble Servant Hen. Denton

Mr Carrolls Deed from Governr Nicholson for the Countrey house at the City of Snt Maries

William & Mary by the Grace of God King and Queen of England Scotland ffrance and Ireland Defenders of the ffaith &ca To all persons to whome these presents shall come Greeting Know Yee that Whereas Thomas Notley Esqr one of the former Governrs of this our Province under the Rt Honoble Charles Lord Baltemore Lord & Proprietary of the same did, by his certain Lease under the Lesser Seale of the said Province bearing Date the fourteenth day of Janry 1678: (for & in consideration of the Rents and Covenants therein

Lib. H. D. Expressed) Demise Set and to farme Lett unto one John Baker late of our City of Sn^t^ Maries In holder decd a certain Messuage or Tenem^t^ scituate Lying and being within the aforesaid City commonly known and called by the Name of the Countrey house, together with one Acre and one fourth of an Acre of Land to the said Messuage belonging with all out houses Edifices &^ca^ for & Dureing the Terme of Twenty five yeares being Butted and Bounded as by the said Lease remaining upon Record in the Secretaries Office of this our said Province relation being thereunto had May fully & at Large appeare w^ch^ said Messuage Land And Premisses Elizabeth Baker Widow and Relict of the said John hath since the Death of the said John Her husband Transferred and made over her remaining Right Title & interest of in and unto the said Lease with all the Priviledges and Advantages therevnto belonging unto Charles Carroll of the aforemencōned City Gentl. his heirs and Assignes Now Forasmuch as the said Charles Carroll hath by his humble petition vnto the Gov^r^ and Councill of our said Province set forth his being possessed of the said Land and Premisses in Manner afore Expressed, Withall certifying that one side of the said house and the whole covering is now quite decay'd and unless speedily Repair'd will fall to the Ground and therefore humbly praid some longer time of years might be aded to the said Lease he intending to make all the Walls of the said house of Brick and new Cover the same, Which said Peticōn being sent up to the house of Burgesses was agreed to and Granted that the Remaining part of the Lease might be made up Twenty one Years upon the conditions afore mentioned By vertue whereof We have for and in consideracon of the Rents and Covenants hereafter mentioned to be paid done and performed by the aforenamed Charles Carroll Demised Granted Set and to farme Lett and by these p^r^sents Doe Demise Grant, set and to farm Lett unto the said Charles Carroll all that afore mentioned Messuage or Tenem^t^ and Dwellinghouse scituate lyeing and being in the City of Sn^t^ Maries aforesaid cōmonly called the Countrey house and now in the Possession of Miles Burroughs together also with one Parcell of Land to the same house belonging, according to Certificate of Survey thereof made the nineteenth day of June 1678, and Remaining upon Record in the Secretaries Office; called the Govern^rs^ ffreind Shipp being Butted and Bounded in manner following, That is to say Begining at a Stake in the Ground over against a Street called Middle Street it being on the Western side of the Land laid out for Mark Cordea called Cordeas hope & runing from thence by a Line drawn two degrees South of the West and without the porch of the Countrey house Eight perches & six foot To a Stake in the Ground and from thence with a Line drawn two

Degrees West of the North Twenty four perches to a nother Lib. H. D.
Stake in the Ground near the land of Garret Vansweringen
and from thence with a Line Drawn two degrees North of the
East untill it intersect a Line drawn Two degrees West of the
North from the first Stake laid out for one Acre and one fourth
of an Acre or thereabouts more or less To have and To hold
the said Messuage or Tenem^{t} and the said one Acre and one
fourth of an Acre of Land afd to the same Messuage or
Tenem^{t} belonging with all houses and Eddifices to the same
belonging unto him the said Charles Carroll his Ex^{rs} Adm^{rs}
and Assigns from the fourteenth day of Jan^{ry} next ensueing to
Commence for and Dureing and untill the full end and Terme
of Twenty one Years fully to be compleat and Ended Yeilding
and Paying therefore Yearly and every Year dureing the said
Term unto Us our Heirs and successors at the City of Sn^{t}
Maries at the feast of the Nativity of our Lord one Bushell
of good English Wheat when (by our Receiver Generall
or his Substitute) the same is Legally demanded, And the
said Charles Carroll in consideracon of the said Demise
and Grant of the Premises afsd doth for himselfe his Ex^{rs}
and Adm^{rs} covenant promisē and agree to and with us
our Heirs and Successo^{rs} af^{d} and is hereby Obliged with
what convenient Speed that may be to cause the said Mes-
suage or Tenem^{t} called the Countrey house, Namely all the
Walls of the said house to be substantially built up and made
of Brick and the Roofe of the same to be new Covered and
all other the houses to the same belonging and upon the said
Land Erected to be well and Sufficiently repaired and mended
with all such Necessary Reparacōns and Amendem^{ts} as shall
be thought needfull and requisite to make the Same Tenenta-
ble and fit to dwell in and shall also cause the said one Acre
and one fourth of an Acre afd to be fenced in wth good and
Sufficient Pales and the said Messuage or Tenem^{t} and Land
afd And all the houses thereupon Built or hereafter to be
built dureing the Continuance of the said Lease shall keep in
such good and Tenentable Repaire & the same so Repaired
Amended ffenced and impaled shall at the Expiracōn of the
said Terme of Twenty one Years Yeild and Quietly and
Peaceably deliver vp unto the Governo^{r} or Commander in
Chief of our said Province Whomsoever the same shall then
happen to be for the Use of Us our heirs and Successors.
Given at Ann Arrundell Town in Ann Arrundell County
under the Lesser Seale of our said Province of Maryland the
twenty fifth day of May—in the Seaventh yeare of our Reigne
Anno Dom. 1695. Witness our Trusty and well beloved
Francis Nicholson Esq^{r} Cap^{t} Gen^{ll} and Governo^{r} in Chief in
and over our said Province and Territory of Maryland

ffr: Nicholson

Lib. H. D. p. 179 The two following Ord^rs by Command of his Ex^ncy the Govern^r issued as follows, Viz^t

By his Ex^ncy the Govern^r &^ca

May 28^th 1695.

The Vestry's Order'd to comply with the severall directions Enjoyn'd them by the Additionall Act for Religion & to make Return of their proceedings &ca

Ordered that the Sherriff of each respective County forthwith give notice to the Vestry's of the severall parishes within their Counties th^t without faile they punctually comply with all & every the particulars and Directions enjoynd them by a certain Act Intituled an Addicōnall Act to the Act of Religion, as also make Return of all their ꝓceedings at any time had and taken (if not already return'd pursuant to former Order) as likewise of their due complyance with the aboue mentioned Act, Unto his Ex^ncy at Annapolis, by August Court next, Under paine of being proceeded against according to Law, And further Ordered that the Sherriffs take a particular Acco^t of the parties to whom they give such notice & make return of the same at the day and place afd. under risk of being displaced.

By his Ex^ncy the Govern^r &^ca

May 28^th 1695.

Justices of the County Courts to finish all Business &ca

Ordered that the Justices of the Severall County Courts within this Province ffinish and determine all Causes now depending in the said Courts either this next June Court or in August Court after at farthest, Under the pain and perill that may fall thereon, And that the Sherriffs cause this Order to be read in Open Court.

Hen Denton C of Concil.

p. 180 Robt Smith Esq^r Comission for Surveyo^r & Examiner Gen^ll &ca

William & Mary by the Grace of God King and Queen of England Scotland ffrance and Ireland Defenders of the ffaith &^ca To Robert Smith of Talbot County Esq^r Greeting Out of the especiall Trust and Confidence Wee Repose in your fidelity truth & integrity as also in your Skill & knowledge of Surveying Lands & exactness in taking & Laying down the plats of any Survey made, Wee have constituted Ordained and Appointed And by these presents Wee do Constitute Ordain & appoint you the said Robert Smith to be our Surveyo^r and Examiner Gen^ll within all the limitts & precincts of our Province of Maryland Giveing & Granting vnto you hereby full power & authority to inspect & Examine all manner of Certificates of Survey or Resurvey of Land & plats of the same which at any

time or times (during the continuance of this our Commission) shall (by any the Surveyo^{rs} Comissionated under Us) come directed unto you, and the same return into such proper Office or Offices according to Teno^{r} of the same, if they be Regular Surveys and not otherwise To have & To hold the said place of Surveyo^{r} and Examiner during pleasure, together with all ffees, profitts perquisits and Advantages therevnto belonging or in any wise appurtaining according to settlem^{t} of the Same by Act of Assembly of our said Province in that case made and Provided, Witness our trusty and well beloved Francis Nicholson Esq^{r} our Cap^{t} Gen^{ll} and Governo^{r} in Chief in and over our said Province and Teritory aforesaid. Given vnder the Great Seal of our said Province the 25th day of May in the Seaventh year of our Reign &^{ca} Annoq Domini 1695. Lib. H. D.

S^{r} Thomas Laurence Bond to his Ex^{ncy} for 200l sterl penalty &^{ca}

Know all men by these presents that I S^{r} Thomas Laurence Baron^{t} Secretary of Maryland am holden and firmly bound Unto his Ex^{ncy} ffrancis Nicholson Esq^{r} in the full sum̄e of Two hundred pounds of good & Lawfull Money of England. To be paid to the said ffrancis Nicholson his heirs or Assignes To the which paym^{t} well and truly to be made I bind my Selfe my heirs Ex^{rs} & Adm^{rs} firmly by these presents Sealed with my seale and dated this 14th day of November in the sixth year of their Ma^{ts} Reigne Anno Domi. 1694.

Whereas his Ex^{ncy} the said ffrancis Nicholson hath this day drawn three severall Bills of Exchange on Mesiers Macajah Perry Thomas Lane and Richard Perry Merch^{ts} in London all of one Tenno^{r} & date & payable at sight to the said S^{r} Thomas Laurence Baron^{t} for the sum̄e of one hundred pounds sterl. if the said sum̄ of one hundred pds sterl shall be well & truly Satisfyed and paid upon the Bills of Exchange to the said S^{r} Thomas Laurence according to the tenn^{r} of the same bills Then The Condicon of this Obligation is such that if the said S^{r} Thomas Laurence his heirs Ex^{rs} or Adm^{rs} do & shall well and truly within or at the Expiracon of twelve months from the receipt of the said one hundred pounds sterl upon the said bills Satisfy and pay to the said Francis Nicholson Esq^{r} his heirs or Assigns the said Sum̄e of One hundred pounds Sterl Money of England with Lawfull Interest for the Same without fravd or Covin p. 181

Sealed and Dld in presents of Thomas Laurence seal'd
F^{d} Randolph
Will^{m} Dent

Lib. H. D. Sr Thomas Laurences Bond to indemnifye his Exncy for granting a Permit &ca

Know all mem by these prsents that wee Sr Thomas Laurence Baront and Principall Secretary of Maryland and Robert Mason of Snt Maries County Gentl are holden and firmly bound unto his Excncy ffrancis Nicholson Esqr Capt Genll & Governr in Chief of this their Mats Province of Maryland in the full sume of ffive hundred pounds good and Lawfull Money of England to be paid to the said ffrancis Nicholson his heirs or Successors Governrs of Maryland To the which paymt well and truly to be made Wee bind ourselves our heirs Exrs and Admrs Joyntly and Severally for & in the Whole firmly by these prsents Sealed with our Seales and dated this day of November Anno Dom 1694

The Condicōn of this Obligacon is such that whereas the above mencōned ffrancis Nicholson Esqr Governr of Maryland as afd hath this day granted Unto the aboue bound Sr Thomas Laurence a pmitt to transport himselfe out of this Province with directions to all Mars of Ships or other Vessells that they may Safely Transport the said Sr Thomas Laurence as afd In as much as his said Excncy ffrancis Nicholson Esqr had taken sufficient caution & Security for the paymt of such Debts (if any) as the said Sr Thomas Laurence doth owe in this Province According to the Act of Assembly of this Province If therefore the said Sr Thomas Laurence and Robert Mason or either of them their heirs or Assigns shall in all respects Indempnifye his said Excncy ffrancis Nicholson Esqr for his granting the said pmitt or Lysence To the said Sr Thomas Laurence According to the Tennor of the said Act of Assembly that then this Obligacon shall be void or Else to stand in full force and virtue in Law.

Sealed and Dld in presence of
Fd Randolph
Willm Dent

Thomas Laurence [Seale]
Robt Mason [Seale]

p. 182 Maryland ss

Mr Clarkes Navall Officers Bond to pform &ca

Know all men by these presents that We Philip Clarke & Robert Mason of the Province of Maryland Gentl are holden & firmly bound Unto his Excncy Francis Nicholson Esqr Their Mats Capt Genll and Chief Governr of this Province in the full & just sume of one Thousand pounds of Lawfull Money of England to be paid to the said ffrancis Nicholson Esqr his Exrs Admrs or Assignes to the which payment Well and truly to be made, We bind ourselves & either of Us by himselfe our & either of our heires Exrs & Admrs Joyntly & severally for the Whole and in the Whole firmly by these presents Witness our hands and Seales November 19th 1694

The Condicon of the aboue writen Obligacon is such That Lib. H. D
Whereas his Ex^ncy ffrancis Nicholson Esq^r hath Comissionated and appointed the said Philip Clarke to be Navall Officer, from Point Lookout to Port Tobacco in the River of Potomock in the said Province of Maryland by his Comission bearing equall date with these p^rsents; Now if the said Philip Clarke shall well and truly pform the said Office according to the severall Acts of Parliam^t in that case made and provided, And shall Observe the directions Contained in the Acts of Assembly of this Province, Relating to the Duty of Navall Officers, & from time to time, Save defend and keep harmless the said ffrancis Nicholson Esq^r from all dammage losse & Charges that he the said Francis Nicholson Esq^r shall sustain at any time by Reason of the said Philip Clarkes non-performance of his said Office (so long as he shall enjoy the same) as in the said Severall Lawes is enacted & Ordained Then the aboue Obligation to be void & of none Effect, otherwise to bee & Remain in full force & Vertue

Sealed Signed & Delivered in the Presence of us
Thomas Tench
F^d Randolph

Philip Clarke [Seale]
Rob^t Mason [Seale]

Maryland ss

Mr Briscoes Navall Office Bond of p formance &ca

Know all men by these presents that wee Thomas Briscoe of the Province of Maryland Gentl and S^r Thomas Laurence Baron^t Are holden & firmly bound vnto his Ex^ncy Francis Nicholson Esq^r their Ma^ts Cap^t Gen^ll & Chief Govern^r of this Province in the full & just sume of one thousand pounds of Lawfull Money of England to be paid to the said ffrancis Nicholson Esq^r his Ex^rs Adm^rs or Assigns to the w^ch paym^t well and truly to be made wee bind ourselves & either of Us by himselfe our & either of our heires Ex^rs & Adm^rs Joyntly & severally for the whole & in the whole firmly by these p^rsents Witness our hands & Seales November 6^th 1694.

The Condition of the aboue written Obligation is such that p. 183
whereas his Ex^ncy Francis Nicholson Esq^r af^d hath Comissionated and Appointed the said Thomas Briscoe to be Navall Officer for the district of Petuxant River within the said Province by his Comission bearing Equall date with these presents Now if the said Thomas Brisco shall well and truly perform the said Office According to the several Acts of Parliam^t in that Case made & Provided and shall Observe the directions contained in the Acts of Assembly of this Province relating to the Duty of Navall Officers And from time to time

Lib. H. D. Save defend and keep harmless the said Francis Nicholson Esq^{r} from all damage loss and charges that he the said Francis Nicholson Esq^{r} shall sustaine at any time by reason of the said Brisco's nonperformance of his said Office (so long as he shall enjoy the same) as in the said Severall Laws is Enacted & ordained then the Above Obligation to be void & of none Effect otherwise to be and Remaine in full force and vertue.

Sealed and Delivered in the presench of Us
Thomas Tench
Fd Randolph

Tho: Brisco [Seale]
Thomas Laurence [Seale]

Maryland ss

Majr Kings Navall Office Bond of performance

Know all men by these p^{r}sents that wee Rob^{t} King and George Layfield of the Province of Maryland Gentl. are holden & firmly bound unto his Ex^{ncy} Francis Nicholson Esq^{r} their Ma^{ts} Cap^{t} Gen^{ll} and Chief Govern^{r} of this Province in the full and just sume of One thousand pounds of Lawfull Money of England to be paid to the said Francis Nicholson Esq^{r} his Ex^{rs} adm^{rs} or Assigns to the which paym^{t} well & truly to be made Wee bind ourselves and either of us by himselfe our & either of our heirs Ex^{rs} & Adm^{rs} Joyntly & severally for the whole and in the whole firmly by these presents Witness our hands & Seales this 17th day of November 1694

The Condition of the aboue written Obligacon is such that whereas his Ex^{ncy} Francis Nicholson Esq^{r} af^{d} hath Comissionated & Appointed the said Rob^{t} King to be Navall Officer for the District of Pocomocke within the said Province by his Comission bearing equall Date with these presents. Now if the said Rob^{t} King shall well & truly performe the said Office according to the severall Acts of Parliam^{t} in that Case made and Provided & shall Observe the directions contained in the Acts of Assembly of this Province relating to the duty of Navall Officers And from time to time save Defend & keep harmless the said Francis Nicholson Esq^{r} from all Damage loss & charges that he the said Francis Nicholson Esq^{r} shall Sustain at any time by reason of the said Kings non performance of his said Office (so long as he shall enjoy the same) as is in the said severall laws Enacted & Ordained then the aboue obligacon to be void & of none effect otherwise to be and remain in full force & vertue

Rob^{t} King [Seale]
George Layfield [Seale]

Sealed & Delivered in the presents of us
Fd Randolph
Hen Denton

Capt Dents Navall Office Bond of performance &ca

Maryland ss

Lib. H. D. p. 184

Know all men by these presents that Wee Capt Willm Dent & Mr Cleborne Lomax Gentl. of Charles County in Maryland are holden & firmly bound Unto his Excncy Francis Nicholson Esqr their Mats Capt Genll & Chief Governr of this Province in the full & Just sume of one thousand Pounds of Lawfull Money of England to be paid to the said Francis Nicholson Esqr his Exrs Admrs or Assigns to the which paymt well & truly to be made Wee bind ourselves & either of Us by himselfe our & either of our heirs Exrs and Admrs Joyntly & severally for the whole & in the Whole firmly by these presents, Witness our hands and Seales November 19th 1694

The Condition of the aboue Written Obligation is such that Whereas his Excncy Francis Nicholson Esqr hath Comissionated & appointed the said Capt Willm Dent to be Navall Officer for the Upper parts of Charles County that is to say begining at Porttobacco & so Vpwards to the head of the said County in the said Province, by his Comission bearing equall date with these presents, Now if the said Capt Willm Dent shall well & truly pform the said Office according to the severall Acts of Parliamt in that case made & Provided, & shall observe the Directions contained in the Acts of Assembly of this Province relating to the Duty of Navall Officers & from time to time Save Defend & keep harmless the said Francis Nicholson Esqr from all Damage Loss & Charges that he the said Francis Nicholson Esqr shall Sustaine at any time by reason of the said Capt Willm Dents non pformance of his said Office (so long as he shall Enjoy the same) As in the said severall Lawes is enacted & Ordained, Then the aboue Obligation to be Voyd & of none effect, otherwise to be & remaine in full force & Virtue

Sealed & Delivered in the Presence of Vs
Thomas Tench
Fd: Randolph

Willm Dent [Seale]
Cleborne Lomax [Seale]

Maryland ss

Mr Muschamps Collecters bond to the King for pformance of his Office &ca

Know all men by these presents that Wee George Muschamp Collector of Wiccocomaco and Potomock Rivers in Maryland Coll Robt Quary of Pensilvania & John Edmondson of Maryland Merchant are held & firmly bound vnto our Soveraign Lord & Lady King William & Queen Mary in the full and just sume of five hundred pounds Sterl to be paid unto them or their Lawfull Successors to which paymt well and truely to

Lib. H. D. p. 185 be made Wee binde Us our heirs Ex^rs and Adm^rs joyntly and Severally firmly by these presents Witness our hands And Seales this Seaventeenth day of November 1694 The Condition of the aboue Obligation is such that if the abouesaid George Muschamp Doe well and truely Discharge & performe the Office of Collector of all their Ma^ties Rates Duties and Impositions Due to their Ma^ts in Wicocomaco & Potomock Rivers in Maryland that he Observe all such Instructions & Ord^rs as from time to time as he shall receive from the hon^ble the Com^rs of their Ma^ts Customes in England or from any person by them appointed or Authorized thereunto As also to Observe the Orders of his Ex^ncy Coll Francis Nicholson Govern^r of the abouesaid Province relating to the Due Execution of the Acts of Trade & Navigation in the said Province that then this Obligation to be void and of none Effect otherwise to be and remaine in full force and Vertue

Signed Sealed & Dld by M^r Muschamp & M^r Edmondson in the Presence of his Ex^ncy in Councill } G. Muschamp [Seale] John Edmondson [Seale] Rob^t Quary

Hen Denton Clk Concil
Fd Randolph
George Plater

Maryland ss

Capt Hills Navall Office Bond of pformance Know all men by these Presents that wee Richard Hill and Samuell Young of the Province of Maryland are holden and firmly bound Unto Francis Nicholson Esq^r their Ma^ts Capt Gen^ll and Chief Govern^r of this Province in the full & Just sume of one thousand pounds of Lawfull Money of England to be Paid to the said Francis Nicholson Esq^r his Ex^rs Adm^rs or Assignes to the w^ch payment to be well and truly made & done wee bind our selves And either of us by him Selfe our & either of our heirs Ex^rs & Adm^rs in the Whole & for the whole Joyntly & Severally firmly by these Presents Witness our hands And Seales this.

The Condition of the aboue Written Obligation is Such that Whereas his Ex^ncy Francis Nicholson Esq^r afores^d hath Comissionated & appointed Richard Hill to be Navall officer of the Port of Annapolis Arrundell in the aboue said Province by his Comission dated the 6^th day of Octob^r 1694: Now if the said Richard Hill shall well and truly pform the said Office according to the severall Acts of trade & Navigation in that Case made and provided and shall Observe the directions in the Acts of Assembly of this Province Relating to the duty of Navall Officers and from time to time Save Defend and

keep harmless the said Francis Nicholson Esq^{r} from all Dam- Lib. H. D.
age Loss and charges that he the said Francis Nicholson Esq^{r} p. 186
shall Sustaine at any time by reason of the said Richard Hills non ꝑformance of the said Office soe long as hee shall continue in the Same as in the Severall Lawes is Enacted and Ordained then the aboue Obligation to be Voyd & of none Effect otherwise to stand and remain in full force and Vertue

Sealed and Delivered in the Presence of
Fd Randolph S: G:
James Frisby

Ri: Hill [Seale]
Sam^{ll} Young [Seale]

Maryland ss

Majr John Thompsons Navall Office Bond of pform-ance

Know all men by these p^{r}sents that wee John Thompson and Casparus Herman of the Province of Maryland Gentl. are holden & firmly bound Unto ffrancis Nicholson Esq^{r} their Ma^{ts} Cap^{t} Gen^{ll} and Chief Govern^{r} of this Province in the full & Just Sum̄e of one thousand Pounds of Lawfull Money of England to be paid to the said Francis Nicholson Esq^{r} his Ex^{rs} Adm^{rs} or Assignes to the w^{ch} paym^{t} to be well & truly made and done wee binde our selves and either of us by himselfe our & either of our heires Ex^{rs} & Adm^{rs} in the Whole and for the whole Joyntly and severally firmly by these presents Witness our hands & Seales this 22th day of May Annoq Domi: 1695.

The Condition of the aboue Written Obligacon is such that Whereas his Ex^{ncy} Francis Nicholson Esq^{r} Afd hath Com̄issionated & Appointed John Thompson to be Navall Officer of the Limits & Precincts of Cæcill County in the abousaid Province by his Com̄ission Dated the day and yeare abousaid Now if the said John Thompson shall well and truly ꝑforme the said Office according to the severall Acts of trade & Navigacō̄n in that Case made and provided and shall Observe the Directions in the Acts of Assembly of this Province Relating to the Duty of Navall Officers and from time to time Save Defend and keep harmless the said Francis Nicholson Esq^{r} from all Damage loss and Charges that he the said Francis Nicholson Shall Sustain at any time by reason of the said John Thompsons Non ꝑformance of the said Office so p. 187
long as he shall continue in the same as in the severall Laws is Enacted & Ordained Then the aboue Obligacon to be void and of None effect otherwise to stand and remaine in full force and Vertue.

Sealed and Delivered in the Presence of
Robert Smith
Edw Boothby

Jn^{o} Thompson [Seale]
Casp: A Herman [Seale]

Lib. H. D. p. 167 The Lords Comissrs of forreign trade & Plantations &c Ordr to his Exncy to hier Vessels to Cruise for illegall trade &ca

After our very herty Commendations Complaint having been made to their Majties by the Merchants trading to Virginia and Maryland, that their trade is in a great measure destroyed and ruin'd by many Ships trading directly from Scotland & Ireland to Virginia, Maryland & Pensilvania, and from thence back to the said places without paying their Majtes dues to the undervaluing trade to all such fair Traders who observe the Act of Navigation For the prevention as much as may be of such illegall trade for the future, Wee have received their Majtes Comands and accordingly wee doe hereby signify Their Majtes Royall will and pleasure unto you, that you cause one or more Small Vessells of about forty Tunns each, to be hired with Skillfull Comanders in those parts for whom you will be answerable and to appoint them to cruise upon the Coast of Maryland and Pensilvania wth power to examine all Ships trading to and from those parts and to inspect the clearings of the said Ships in the Collectors Books in order to the discovery of Forged Cocquets and Certificates. And for the defraying the charge of such Vessells and the Encouragement of the Commander or commanders thereof, you are hereby Authorized and impowered to dispose of their Majtes third part of the fforfeitures upon the Act of Trade and Navigation & the penalties recovered on the forfeited Bonds within your Government, in such manner as you shall find most conducing to their Majtes service herein, And for the better guidance of the Commander or Commanders of such Vessells as shall be employed in this service you will herewith receive the draught of Instructions, wch you are to give unto them, and you are from time to time & as often as you shall see convenient to take an account from the Commander or Commanders of such Vessells of their proceedings in the execution of their Instructions to the intent that under colour of executing the powers and directions wch shall be thereby given unto them they doe not molest & hinder the legall prossecution of trade in those parts as well to the prejudice of their Majtes Revenue here as of their Majtes Subjects in the Plantations, And so Wee bid you very heartily farewell, From the Treasury Chambers at Whitehall this 15th day of 9br 1694. In the 6th year of their Majtes Reign.

p. 147

Your very Loving friends.

Ste: ffox
Cha: Montague
Will: Trumball
J. Smith

Govr of Maryland to hire Vessells to Cruise for illegall Trade &ca

At the Court at Whitehall the 9th of August 1694. Lib. H. D. p. 168

Present

The Queens most Excellt Majty in Council.

The Queens Ordr about Vessells to Cruise upon the Coasts of Maryland and Pensilvana &ca

The Rt Honoble the Lords of the Comitte of Trade & Plantacons having this day represented their opinion at the Board upon the Report of the Rt Honoble the Lords Comissrs of the Treasury concerning Ships trading directly from Scotland and Ireland to Virginia, Maryland & Pensilvania referr'd to them by Ordr in Councill of the 12th of July last, her Majty in Councill is pleased to Ordr that directions be sent to Collonll Nicholson Governr in chief of Maryland to cause one or more small Vessels of about 40 Tunns each to be hiered wth Skillfull Comanders in those parts for whome he will be answerable, and to appoint them to Cruise upon the Coasts of Maryland and Pensilvania wth power to examine all Ships trading to and from those parts, and to inspect the clearings of the said Ships in the Collectors Booke in order to the discovery of forged Cocquets and Certificates and that for the defraying the charges of such Vessells and the Encouragement of the Commanders he dispose of their Majtes third part of the forfeitures upon the Acts of Trade and Navigation and the penaltyes recovered on forfeited Bonds within his Government in such manner as he shall find most conducing to their Majtes service herein.

And that the like directions be sent to Sr Edmund Andros Governr in chief of Virginia for preventing the said abuses of the Acts of trade and Navigacon within that Colony and the Rtt Honoble the Lords Comissrs of their Majtes Treasury are to give all Necessary directions herein.

Instructions to Capt Thomas Meech Comander of the Sloop Speedwell of Maryland Imployed by Collonll ffrans Nicholson Governr of Maryland for preventing frauds on that Coast in pursuance of their Majtes Ordr in Councill of the ninth of August 1694.

First Act Navigacon 12 Car 2nd Act for regulating Plantation trade 22: 23d: Car 2nd These Certificates to be signed by 4 or more of the Comissrs of the Customs in England for the time being

You shall take care that no goods or commodities wtsoever be Imported into or exported out of the said Colony of Maryland or any other of their Majesties Colonyes or Plantations in any Ships or vessells wtsoever, but in such as doe truly & wthout fraud belong only to the people of England Ireland Wales or Berwick or are of the built of and belonging to any of the said Plantations as the Proprietrs & right owners thereof, and whereof the Master & $\frac{3}{4}$ths of the Marriners at least are English under the penalty of the forfeiture and loss of Shipp and Goods to be recovered & disposed off in manner as by law

Lib. H. D. is provided. You shall likewise take care that no Ship or Vessell comeing from England Ireland Wales or Berwick shall Load any of the enumerated Comodities Viz^{t} Sugar, Tobacco, Cotton, Wooll, Indico, Ginger, Fustick, or other dying Wood before Certificate be produced from the Officers of some Custom House of England Wales or Berwick that Bond hath been there given with one Surety to the vallue of one thousand pounds if the Ship be of less burthen then One hundred Tunns, and of the Sum of two thousand pounds if the Ship shall be of greater burthen, that in case the said Ship or
p. 169 Vessell shall load any of the said Commodities at any of the English Plantations that the same commodities shall be by the said Ship or Vessell brought to some Port of England or Wales or to the Town of Berwick upon Tweed and be there unloaden & put on Shoare the danger of the Seas only excepted. And in like manner that no other Ship or Vessell w^{ch} by law may trade in any of their Maj^{tes} Plantations be permitted to load on board any of the said Commodities comeing from any other Port or place untill Bond be given to the Govern^{r} in manner and to the vallue afores^{d}, that such Ship or Vessell shall carry all the said goods loaden on board to some of their Maj^{tes} English Plantations or to England Wales or Barwick And if any such Ship or Vessell shall load or take on board, any of the said Comodities untill such bond be given to the Governor or Certificate producd from the Officers of some Custom house of England Wales or Berwick that such Bond hath been there duly given or w^{ch} contrary to the tenor of such Bond shall carry the s^{d} goods to any port or place w^{t}soever then such other English Plantations or to England Wales or Berwick and there lay the same on Shoare every such Ship or Vessell shall be forfeited wth her Gunns Tackle and apparrell and you shall doe your outmost endeavor to find out seize and prossecute the same accordingly.

3^{dly} If any Ship or Vessell w^{ch} by law may trade in any of their Maj^{tes} Plantacons shall Ship and take on board any of the afores^{d} Comodities or cacoe and that Bond shall not be first given with one sufficient surety to bring the same to England Wales or Berwick and to no other place and there to unload and put the same on shoare (the danger of the Seas only excepted) there shall be answered & paid for so much of the said Comodities as shall be laden and put on board such Shipp or Vessell the severall rates and dutyes mentioned in the said Act to be leveyed collected & paid at such places and to such Collect^{rs} & other Officers as shall be appointed to collect leavy & receive the same before the unlading thereof and under such penalties both to the Officers and upon the goods as for non payment of or defrauding their Maj^{tes} of their Customs in

England, and you are to take care that none of the afores[d] Lib. H. D.
enumerated goods w[ch] shall be pretended for any of the Ships that have given Bond to goe to England Wales or Berwick only and to no other place be under that colour stolen on board Ships w[ch] have given bond to some other of their Maj[tes] English Plantacōns or to England Wales or Berwick, and so evade the dutyes payable as afores[d], and you are to take notice notwithstanding the payment of the s[d] duties no Shipp or Vessell can by law goe from Maryland or any other of their Majesties Plantacōns w[th] any of the afores[d] Comodities to any part of Europe but to some other of the said Plantacōns.

4[thly] 14[th] Car. 2[d] If any of the goods chargeable w[th] the duties afores[d] shall be loaden on board any Ship or Vessell before the Master or Comander hath made entry thereof according to the Act for preventing frauds and the Statute made Primo Elizab[t] Cap: 11. such Master or Comander is lyable to the penalty of one hundred pounds.

5[thly] You are to take care th[t] no Comodity of the growth production or Manufacture of Europe be imported but what shall be Bona fide and without fraud laden & Shipt in England Wales or Berwick and English built Shipping or Shipps otherwise quallified except Salt for the Fisheryes of New England and Newfoundland, Wines of the growth of Maderas Western Islands or Azores and Servants horses and Victuals from p. 170
Scotland and Ireland under the forfeiture of Shipp and goods.

6[thly] And for the prevention of frauds you are to inform your self whither any Shipps or Vessells comeing to Maryland lade or unlade any commodities whatsoever untill the Master or Comander thereof shall first have made known to the Govern[r] or whom he appoints for that purpose the arrivall of each Ship or Vessell with her name and the name & Sirname of the Master, & hath shewen that she is an English built Ship or otherwise qualifyed & Navigated according to law and doth deliver to the said Governour or such other person a true & perfect Inventory of her Lading together w[th] the Place or places where such goods were taken in.

7[thly] And whereas severall Ships doe trade in their Maj[tes] Plantacōns which by law ought not to trade there and severall European Goods are imported thither from other Places than England, Wales, or Barwick and severall Ships Loaden w[th] the enumerated Plantation Comodities do goe for Scotland and other places without first comeing for England and actually unlading there. You are carefully to examine all Certificates w[ch] shall be brought of any Ship having given Bond for the preventing fals & Counterfeit Certificates & as to their Ships and Vessells as doe give Bond in Maryland you are to endeavour to discover whether the Condition of the said

Lib. H. D. Bonds be performed These Certificates are to be signed by 4 or more of the Comissioners of the Customs in England for the time being, and Certificates thereof produced and on forfieture thereof th^t they be prossecuted. And for this end if any Ship or Vessell w^ch hath given such Bond shall happen to arrive again w^th you, you are to demand of her Master a Certificate of such Shipps having discharged her former loading according to such Bond and if he produce no such Certificate that such Bond be put in process without further delay. And in all Cases where Bond hath been given; If you can discover & make proof that any such Ship or Vessell hath discharged her loading contrary to her bond or that a convenient time hath past in expectation of the return of a Certificate of her unlading according to the Tennor of her Bond and that no Certificate is returned you are to take like care th^t the Bond be putt in process.

8^thly You shall from time to time Correspond w^th the Collectors of their Majes^tes Customs in Maryland and inspect the clearings of all Ships and Vessells in their Books in order to the better discovery of forged Certificates & Cocquets & shall inform them of such matters as shall come to your knowledge th^t may be of use to them in their Maj^tys service.

9^thly You shall give to the Govern^r of Maryland a true & Exact Journall of your proceedings every three months or oftener & you shall observe such rules Orders and directions as from time to time you shall receive from him in Order to the better observation of the Acts of Trade & Navigation contained in a Book of Rates herewith transmitted to you and these Instructions in pursuance thereof and be otherwise Subject to the Superior Command of the said Govern^r in all things for their Majesties Service.

ffra: Nicholson.

S^t Maries Citty June the 28^th 1695.

S^t Maries City at the house of M^r Gerrard Van Sweringhen June 28^th 1695.

p. 187 Capt Meeches Entrance into bond w^th Security for Comission to Cruise who Likewise rec^d instructions for the same &ca

Came Cap^t Thomas Meech Comander of the Sloop Speedwell of Maryland together with Rob^t Mason Esq^r & M^r Philip Clarke his Securities who Entered into Bond of Three thousand pounds Sterl: to his Ex^ncy the Govern^r for the said Meech's due Execucon of a certain Comission this day given him by his Ex^ncy for Cruising in the aboue said Sloop, who at the same time Rec^d Instructions for the same, Sent from the R^t hon^ble the Lords of their Ma^ts Treasury as likewise a booke of Rates.

Meech takes the Oaths &ca In the presence of Esqr Randolph &ca

The said Thomas Meech had administred unto him by his Exncy the Oathes appointed by act of Parliamt to be taken instead of the Oathes of Allegiance and Supremacy the Oath of Trade and Navigation & Subscribed to the Test in the presence of the honble Edward Randolph Esqr Surveyor Genll of their Mats Customes &ca And George Plater Esqr Collector & Receiver of their Mats Duties within the District of Petuxant. Lib. H. D.

Oath of Trade & Navigation

Oath of Trade and Navigation taken by Capt Thomas Meech comissionated to Cruise &ca to Obstruct false Trade is as follows Vizt

You shall swear that you will to the best of your skill & power so long as you shall continue in any Comand of Cruizing wth in the Province or Else where in pursuance of the Comission Granted you for the same, well & truly Execute and pforme, & cause to be Executed & performed all matters & things wch by the Statute made in the 12th yeare of his late Maty King Charles the Second his Reign Entituled an Act for the Encouraging & increasing of Shipping & Navigation; & by the other Statute made in the 15th Yeare of his Mats Reign Entituled An Act for the Encouragemt of Trade, you are Required as Officer in trusted for the Command aforesaid to be sworn to the performance of So help you God

Snt Maries City in Maryland June 28th 1695 p. 188

I the Subscriber do declare that I do believe that there is not any transubstantiation in the Sacramt of the Lords Supper or in the Elements of bread & wine at or after the Consecracon thereof by any person whatsoever Thos Meech

Capt Meechs Bond for Cruiseing

Maryland ss

Know all men by these presents that wee Thomas Meech Robert Mason and Philip Clarke all of Snt Maries County Gentl: are holden and firmly bounden unto his Exncy Francis Nicholson Esqr Capt Genll and Governr in Chief in and over their Mats Province and Territoryes of Maryland in the full & Just Sume of three thousand pounds Sterl: lawfull Currant Money of England to be paid to his said Exncy his heirs Exrs or Admrs to the which payment well and truly to be made Wee bind ourselves and either of us our and either of our heirs Exrs or Admrs in the whole and for the whole jointly and Severally firmly by these presents Sealed with our Seales dated in Maryland the 28th day of June Anno Domi: 1695:

Lib. H. D. The Condition of this Obligation is such that whereas his said Ex^ncy^ hath this day given & granted unto the above bounden Thomas Meech a Comission to be Comander of the Speedwell of Maryland and therewith to Cruise on the Coast of Maryland and Pensilvania to prevent and hinder such False and illegall Traders w^ch^ doe or shall Trade on the Coast or into either of the said Provinces contrary to the Acts of trade & Navigation If therefore the above bounden Thomas Meech shall well & truly execute the severall powers and Authorityes to him therein given and granted and see the severall Acts of Trade & Navigation be duely kept & Observed without Fraude or Covin and doe well & truly prosecute Offenders and Offences ag^t^ the said Acts or any of them and doe well and truly behave himself in the Execution of the severall powers and Authorityes by the said Comission given him And doe from time to time & at all times hereafter Serve and keep harmles & endemnified his said Ex^ncy^ his heirs Ex^rs^ and Adm^rs^ for or by reason of Any Act or thing by the said Thomas to be done or performed or omitted to be done or performed by virtue of the Comission aforesaid Then this Obligation to be void & of none effect else to Stand in ffull force & virtue

Signed Sealed & Delivered in p^r^esence of us
Fd Randolph
Hen Denton
W. Bladen

Tho^s^ Meech [Seale]
Rob^t^ Mason [Seale]
Philip Clarke [Seale]

p. 189 Coll Cood June 5^th^ 95:

Madm Blakistons answer abt Shiping Accots

S^r^

In answer to y^r^ demands pursuant to an Ord^r^ from his Ex^ncy^ I have onely to advise you that I have already rendred and presented to his Ex^ncies^ view a full & Just Acco^t^ as neer as could be calculated from M^r^ Blakistons bookes & papers of the whole reuenue passing his hands since the Revolution to which acco^t^ I have made Oath & cannot forme any further or other Acco^t^ & for the list of Shiping they are in M^r^ Tenches hands which is all I can say in that poynt, however if the Acco^t^ by me already exhibited be mislayed & not at hand I am ready & shall be willing upon the least Notice given to have drawne out a fair Coppie of the same for his Ex^ncies^ Satisfaction if required w^ch^ please to represent to his Ex^ncy^ as the full Answer of S^r^ y^r^ humble Ser^vt^

Elizabeth Blakiston

Madam Bournes Answer abt papers Relating to the Navall Office &ca

Madam Bourne Lib. H. D.

Answers she has noe other papers in her possession relating to the Navall Office then what are already delivered to y^r Ex^ncy but if any more come futurely to hand the same shall be returned to your Ex^ncy This is the Answer given by Madam Bourne to your Ex^ncy's most Obedient Serv^t

George Plater

Comrs of the Customs Lre concerning Capt Banks Ship

S^r Application is made to Us concerning a Bond Said to be given in Maryland about May or June 1694 by Thomas Bankes Master of the Ship Ann and Hannah with Condition to Carry her loading to Some Port of England Wales or Berwick And it appearing by the Inclosed Affidavit of the s^d Banks That in his Voyage home for England the s^d Vessell was taken by two ffrench Privateers and Carryed into ffrance whereby the s^d Ship and Cargoe were Utterly Lost you may affix this Ord^r and Affidavit to the s^d Bond in discharge thereof unless you have any thing further to Object We are

S^r Yo^r Very humble Servants

Custom House Lond^o
9 July 1695.
Govern^r of Maryland.

Sam^ll Clarke
Rob^t Southwell
Walter Yenge.

Capt Banks Affidavit of his Ship being taken by the ffrench.

Thomas Bankes Master of the Ann and Hanah maketh Oath That Whereas he did Enter into Bond in Port of London abo^t May or June Anno Dom̄i 1693. to goe for Virginia and New found Land, this Deponent now affirms that he proceeded directly on this Voyage thither and there unloaded his Said Goods but it So happened th^t in his Voyage homewards for England; the Said Vessell was taken by two ffrench privateers and Carryed into ffrance whereby the s^d Ship and Cargoe was utterly lost. Dated 8^th of July 1695.

Jur^t Thomas Banks that the Contents of this Affidavit are true. Dated 8 July 1695.
Hi: Cuiputt

Tho: Banks:
M H

An Acco^t of Cattell & hoggs which dyed A^o 1694/5

An Acco^t of Cattle and hogs Dead in the Severall Counties within this Province as they are by List Return'd, Anno: 1694 and 5. Viz^t

	Cattle	hogs
Somerset County	4050	18562
Calvert County	4557	5850
S^t Maries County	3551	7758

Lib. H. D.		Cattle	hogs
	Charles County	2498	11260
	Talbot County	5019	7151
	ffishing Creek hund^{d} in Dorchest^{r} County	441	1694
	Little Choptanck hund^{d} in Ditto County	314	1382
	Sheep & Horses in the s^{d} Hund^{d} in the s^{d} County Sheep 121, horses 32		
	Patapsco hund^{d} in Baltemore County	302	629
p. 103	West River hund^{d} in Ann Arrund^{ll} County	225	269
	Herring Creek hund^{d} in ditto County	559	581
	Broad Neck hund^{d} in Ditto County	320	310
	Town Neck hund^{d} in Ditto County	288	296
	Middle Neck hund^{d} in the s^{d} County	517	337
	South River hund^{d} in the s^{d} County	552	779
	South side Gun powd^{r} hund^{d} in Baltemore Co:	122	265
	North side Ditto Riv^{r} hund^{d} in the s^{d} County	264	539
	Kent County	1262	1686
	Worton hund^{d} in Cæcill County	198	401
	Bohæmia hundred in Cæcill County	213	443
	South Side of Patapsco in Baltemore County	177	181
		25429	62373

July the 22th 1695.

Capt Richd Snowdens Rect for a Barrell of Gun powder

Rec^{d} then of Nicholas Greenberry by the Ord^{r} of his Ex^{ncy} the Govern^{r} one Barrell of Gun powd^{r} by Contents one hundred weight of powd^{r} & th^{t} the same shall be turned at Least once a month by me or my Ord^{r} & it shall not be broak or Imbezell'd or made Use off, & the s^{d} Quantity of Powd^{r} I shall be always Ready & answerable to his Ex^{ncy} for the same when thereunto Required: I say Rec^{d} by me the day and year as above written.

Rich^{d} Snowden Jun

p. 104

July the 14th 1695.

Capt Phillip Howards Rect for a Barrell of Gun-powder

Then Rec^{d} of Coll: Nich^{o} Greenberry by Ord^{r} of his Ex^{ncy} the Gov^{r} one Barrill of Gun powder by Contents one hundred Weight & that the same shall be turned once a month by me or my Ord^{r} and tha^{t} it shall not be broke or Imbezled or made use off and that the s^{d} Powder shall alwaies be Ready to be accountable for unto his Ex^{ncy} when thereunto Required the danger of fire or other unresistable Casualties only Excepted:

Philip Howard

June the 14th 1695. Lib. H. D.

Capt John Dorseys Rect for a Barrell of Gunpowder

Then recd of the honrble Coll: Nicho Greenberry by Ordr of his Excncy the Governr one Barrell of Gunpowder by Contents one hundred weight and that the same shall be turn'd once a month by me or my Ordr and tht it shall not be broke up or Imbezled or made use off and tht the sd Powder I shall alway's be accountable for unto his Excncy when thereunto Required the Danger of ffire or other unresistable Casualties only excepted, witness my hand;

Jno Dorsey

June the 9th 1695.

Capt Wm Hollands Rect for a Barrell of Gunpowder

Recd then of Coll: Nicho Greenberry by the Ordr of his Excncy the Governr one Barrell of Gun powder by Contents one hundred weight and that the same shall be turn'd at least once a month by me or my Ordr and tht it shall not be broke or Imbezel'd or made use off, & the sd quantity of Powder I shall be alway's ready & answerable to his Excncy for the Same when thereunto Required, I say Recd by me the day & year abovesd

Wm Holland

July the 20th 1695.

Capt Humphrey Boons Rect for a Barrell of Gunpowder

Recd: then of Nicho Greenberry By the Ordr of his Excncy the Govr one Barrll of Gun Powder by Contents one Hundred weight of Powdr and that the same shall be turned at least once a month, by me or my Ordr and it shall not be imbezled or made use off; and the sd Quantity of Powder I shall be always Redy & answerable to his Excncy for the same, when thereunto Required I say Recd: p me the day & year above written.

Humphrey Boone

July the 3d 1695.

Majr Edwd Dorseys Rect for a Barrell of powdr

Recd: then of Nicho Greenberry by the Ordr of his Excncy the Govr one Barrell of Gunpowder By Contents one hundred weight of Powder and that the Same shall be turned at least once a Month By me or my Ordr and it shall not be broke or Imbezled or made use p. 105 off, & the sd Quantity of Powder, I shall be alway's Ready and answerable to his Excncy for the Same when thereunto Required I say Recd p me the day & year abovesd

Edward Dorsey

Lib. H. D.

July the 3d 1695.

Lt Coll Ridgleys Rect for a Barrell of powdr

Recd then of Nicho Greenberry, by the Ordr of his Excncy the Governr one Barrll of Gun powdr by Contents one hundred weight of Powder & that the same shall be turned at least once a month by me or my Order and it shall not be broke or Embezel'd or made use off, and the sd quantity of powdr I shall be always Ready & answerable to his Excncy for the Same when thereunto Required, I say Recd: p me the day and year above written

Henry HR Ridgely Senr

At the Court at Whitehall
the 25th of July 1695:

Present

Their Excellencies the Lords Justices
in Councill.

Sr Thomas dismissed from the Complaint and accusation of the Governmt

Vpon the Report of the Rt Honrble the Lords of the Committee of Trade and Plantations this day made at the Board, that they had Considered the Answer of Sr Thomas Laurance Secretary of his Mats province of Maryland to Certain heads of a Charge and Accusation Exhibited against him by the late Governr & Councill of that province.

p. 21 That no Person appears in behalfe of the Government of Maryland to prossecute the sd Accusation.

That the sd Sr Thomas Laurence is at present authorized by the Governr Councill and Assembly of that province to Sollicite the publick Affairs of the province here in England.

And that the Genll Assembly of Maryland have declared all the proceedings there against Sr Thomas Laurance upon the sd Complaints, to have been Malicious, Arbitrary and Illegall, and have Certifyed the sd Sr Thomas Laurence to be a very Loyall Subject to his Maty and of Sincerity and integrity in his proceedings.

Their Excellencies in Councill are pleased to Ordr that the sd Complaint and Accusation against Sr Thomas Laurence be dismist from before this Board and the Same is hereby dismist accordingly

Rich Collinge

At a Councill held at the Port of Annapolis the 14th day of August in the Seaventh Yeare of the Reign of our Soveraign Lord King William the third &ca Annoq Domi: 1695. Lib. H. D.

Present

His Excy Francis Nicholson Esqr Capt Genll &ca p. 189

The Honoble { Coll Henry Jowles, Coll George Robotham, Coll John Addison, John Courts Esqr, Tho: Brooke Esqr }

Esqr Poveys Lettr declaring the Death of the Queen & Ordr thereon Relating to Judiciall proceedings &ca

His Excy producing a Letter by him Recd from the Rt honoble John Povey Esqr one of the Clks of his Mats most honoble privy Councill & Depty Secretary of the plantacon Office, Dated 9th of March last past, giving an Accot of the great & irreparable Loss Whitehall Recd by the death of her late Maty Queen Mary (of ever blessed & Glorious Memory) Ordered thereupon that proclamation issue to give notice thereof & that for the future all manner of Writs process & proceedings, in the severall Courts & Offices of this Province issue & rune in the Name of King William the third &ca

The Royall Lettr of her late Maty (of ever blessed & glorious memory) unto me directed of the 22th of August 1694: Vizt that a Quota or part of the Militia of this Province not exceeding 160 Men (but noe Ordrs that the said Men shall be paid & Maintained by this Province nor be furnished wth armes or Amunition, neither do I find by yr Excies Lettr that you expect Wee should pay or furnish them) be the Measure of Assistance to be given the Province of New Yorke; but your Excy Writes for Officers as well as the Men her Maty is graciously pleased in the same Letter to Order as follows, Vizt Wee having also given express directions to our said Governr or Comander in Chief of our sd Province of New p. 192 Yorke not to demand or Require at any time a greater part of the said Quota or other Assistance from our said Province of Maryland than he shall in proportion demand or require of the respective Quotas of the rest of the Adjacent Colonies, but you have not given me any intimation that you have sent for the whole Quota's from the rest of his Mats Colonies or Provinces in these Northern parts of America nor whether you intend to invade the Common Enemy the French, or expect to be invaded by them; for if you do the latter I shall be Obliged for the safety of this his Mats Province to raise a greater number of Men to guard our ffrontiers, wch are great

Lib. H. D. & will be very chargable & detrimentall to the peoples Crops of Tobacco w^ch^ will much diminish his Ma^ts^ Revenues & lessen the Trade & Navigation of England which are Endeavoured to be promoted, (though but weakly) by

Yo^r^ humble Serv^t^
Fr: Nicholson

Govern^r^ of New Yorke

Instructions for M^r^ Thomas Tasker one of the house of Burgesses and Treasurer for his Ma^ts^ Province of Maryland

Mr Taskers publick Instructions Relating to New Yorke &ca

You are with all Expedition possible to go to New Yorke & when please God you shall come there you are to deliver my Lett^r^ to his Ex^ncy^ Coll Beniamin Fletcher his Ma^ts^ Cap^t^ Gen^ll^ & Govern^r^ in Chief of the Province of New York &^ca^ And likewise to deliver unto him all the Bills raised upon the Addicōnall Duty of 3^d^ ꝑ hhd payable to you, provided he don't expect the men, w^ch^ Act was with much difficulty got to pass the house, And after it was passed, what murmuring it made amongst the Merchants & Masters of Ships, w^ch^ I feare may cause some of them to Leave off coming here, And if they must have men, (the very report whereof has already occasioned sev^r^all Freemen to goe a way) it is to be feared when they come to be actually raised it will occasion severall more to desert the province and so lessen his Ma^ts^ revenue considerably by meanes of the less quantity of Tobacco w^ch^ will be made, for every mans labour pays to his Ma^ty^ 10^d^ sterl: a year or more. That the Lord Baltemore has aboue halfe the Revenue arising and becoming gue w^th^in this Province.

And if the Men Rised should be Maintained by this Countrey, w^ch^ must be Leavyed by a yearly tax of so much ꝑ poll the same (together w^th^ the Annuall Charge the Countrey is
p. 193 already at) will amount to nigh a quarter part of the Estates of the severall Taxables within this Province; And this year is likely to prove a bad year for tobacco.

That I understand his Ma^ty^ is graciously pleased to keepe in pay four hundred Men for the defence of Albany.

That there is an Acco^t^ of Strange Indians in Virg^a^ w^ch^ have done some mischief there and how that Wee are frequently alarm'd with strang Indians likewise w^ch^ puts the inhabitants to charge and trouble to goe and looke after them & to secure their habitations.

That the last year by the Severity of the winter, most people have lost the better part of all their Stocks of Cattle & hogs That the Councill & house of Burgesses have humbly

addressed his Sacred Ma^ty this Last ffleet touching their send- Lib. H. D.
ing assistance to New York

If that Governm^t will not be Satisfyed w^th these Reasons you are to Acquaint them that they may (if they think fit) send one or two persons to the Assembly w^ch (God willing will sit the 2^d day of October next to inform themselves of the Representatives or others, inhabitants of this Province, about the Condition the same now lyes vnder; And that during their Stay they shall receive all the civill treatm^t this Governm^t can afford

That you Make all the dispatch you can back & perform the Journey with as little Expence to the Countrey as you can, knowing the poverty of the same

August 17^th 1695. ffr: Nicholson

Private Instructions for M^r Thomas Tasker one of the house of Burgesses and Treasurrer for his Ma^ts Province of Maryland

M^r Taskers private Instructions &ca

You are to make inquiry as you goe through Pensilvania & the Jerseys what News you can heare about the French & Canida Indians and what danger they apprehend in that Matter.

When come to New Yorke you are to inquire the same, and make your Observations of the flourishing of the place both in building Shipping & Trade, especially since this Warr.

You are to inquire and make your Observations upon the debarring all persons from trading to Albany but themselves and acquaint them that this Governm^t does Expect that (if assistance is required by them from hence) they may have a ffree Trade to Albany to Supply the Indians, which will occasion things to be Cheaper & the Indians not soe apt to Complain for the dearness of the Comodity.

You are to Observe that the Ordinary Revenue of that Province is aboue 5000^l Sterl: a year.

That if the men are to be sent, you are to let them know, p. 194
how that the people of the Countrey have neither Arms nor Amunition, nor his Ma^ty any Magazine here, but that a Supply of such things are sent for by this last ffleet.

You are to inquire as you goe a long when you are there whether they have had any Acco^t of the Additionall Act for the 3^d p hhd lately passed & if they knew it was to be given them.

You may inquire about any other matters & make use of these and them as you shall find necessary for his Ma^ts Service and intrest of the Countrey.

Lib. H. D. You are to give Govern^{r} Markham a Copy of the Proclamac$\bar{o}$n you have Recd about the Trade of that province and to shew the same at Newcastle & Pensylvania.

You are to acquaint Govern^{r} Markham concerning one David Miller who was Arrested upon his travell through Lewis Town alias Whorekill, being bound for west Jersey; the Accon brought was an Action of Assault, though the Occasion given appears to be Lawfull; for the Sherriffe of Somerset County having come to damage by the Escape of one Waples a prison^{r} under his Custody com$\bar{a}$nded a Considerable number of men to goe wth him to the Indian River to take the said Waples & others w^{ch} had a hand in his Rescue, among the number of w^{ch} persons com$\bar{a}$nded this David Miller was one & for his shewing Obedience to the Kings Authority was Arrested as afd and likely to be detained a prisoner therefore you are to speake to Govern^{r} Markham that he may be discharged and pass about his Lawfull Occasions And that he give Order there be noe more disturbance or trouble given to any other their Ma^{ts} Leige people of this province in like Case, you will Receive the papers touching the whole Matter, the w^{ch} you may shew Govern^{r} Markham and tell him that if a remedy is not provided this Governm^{t} must take some other Methods

August 17th 1695 Fr: Nicholson

M^{r} Jenckins Lett^{r} touching the Laws & Ord^{r} there on &c^{a} Read a letter from M^{r} ffrancis Jenckins Judge of Somerset County Court directed unto his Ex^{ncy} bearing Date the 10th day of July last past touching the Laws last Enacted &c^{a} Viz^{t} that they had not (as yet) Received them in that County;

Ordered that inquiry be made by whom the same were sent, & that M^{r} Attorney Gen^{ll} ꝑsecute the party detaining the same

p. 195 Coll Addisons Lett^{r} touching Indians p^{r}sent to his Ex^{n}cy & his answer thereon &c^{a} Upon Reading a Lett^{r} from the hono^{ble} Coll John Addison unto his Ex^{ncy} sent & directed, Dated the 23^{d} of July last past touching a hundred Rackoon & ffox skins sent from the Emperror of Piscattoway as a present to his Ma^{ty} Whereupon his Ex^{ncy} was pleased to acquaint the Board that he had since seen the said Emperror and told him that neither his Ma^{ty} nor himself required any present from him, But gave him to understand that the Lord Baltemore must be paid his dues and so directed Coll Addison to redeliver to the said Emperor all the aforementioned skins.

Peticon of the Vestreymen of All Saints pish in Calvert County requesting his Exncies permicōn in the furtherance of Mr Hulls preaching augst 7th & Ordr thereon &ca

Upon Reading the Petition of the Vestreymen of the pish of All Saints in Calvert County Seting forth that they had taken care to build a Church wthin their said parish & had sometimes on Sundays in an afternoon the Benefit of Mr Hulls preaching amongst them; though with difficulty obtain'd by reason of the great distance betwixt his parish Church & theres; but do hope to procure his further Assistance, by taking some other Method, through his Exncys permission, and such as will be no hindrance to his own cure, His Exncy in Councill was pleased to Ordr as it is hereby Ordered that (if in case the said Mr Hull will take that trouble upon him) the prayer of the petrs be Granted. Lib. H. D.

his Exncys Representacōn abt mastrs of Ships Complaint of the gage of Tob hhds & Order thereon

His Exncy representing to the Board that severall Masters of Ships had complained unto him that the Tobacco hhds now made and sent on Board their ships exceed the measure prescribed by the late Act of Assembly, much to their detrimt & damage;

Ordered that Proclamation issue to give Notice to all Coopers and Others therein concern'd, that they make their Casque according to Act of Assembly vnder penalty of being proceeded against according to Law, therein directing all Casque to be measured when they come on Board.

August the 20th 1695.

Produced a Proclamation drawn up accordingly, the wch being read, was Signed by his Exncy & passed the Broad Seal of the Province,

the Tenor whereof follows in these Words. Vizt

By his Exncy the Capt Genll &ca

Maryland ss. A Proclamation

Proclamacōn touching the gage of Tob. hhds

Whereas Complaint hath been made by Divers Owners and Masters of Ships Trading into this Province how that severall Merchants & others Inhabitants wthin the same doe notwthstanding a Late Act of Assembly passed the 18th day of October 1694 Entituled an Act touching Coopers & the Gage of Tobacco hhds, Continue to make & Cause to bee made their Tobacco hhds. farr exceeding the Dimenssions in the said Act prescribed & set downe p. 196 Sundry hhds whereof packt with Tobacco have been actually shiped on board their Severall & Respective Ships Contrary to the intent and meaning of the said Act, to the great prejudice and Lessening of his Mats Revenue as also Damage to

Lib. H. D. the Own^{rs} & Com̄anders of such Ships trading here as af^{d} for prevention whereof for the future I have (by & with the advice of his Ma^{ts} hono^{ble} Councill) thought ffitt to publish and make known & I do hereby accordingly Order & Com̄and that no Merchant ffreight^{r} Planter or other person whatsoever with in this Province doe hence forth presume to make or Cause to be made any hhd or hhds of tobacco (in Order to being Shipped & put on board) exceeding the Gage & size by the aforementioned Act of Assembly Directed under pain & penalty of being proceeded against according to the Utmost Rigour of the Law, And to the End all diligent and due Care may be taken for the discovery of all such Illegall proceedings I do hereby further Order and Com̄and his Ma^{ts} respective Collectors their Deputies and the severall Navall Officers & their Deputies within this Province to give Notice to all Masters of Ships at their first coming in & entry made that they Circumspectly and wthout ffaile measure or Cause to be Measured every hhd of tobacco Shipped & taken on board their Respective Vessells to the true performance whereof the master, Mate, Boatswine, or other Officer or person intrusted to take an Acco^{t} of any hhd or hhds of tobacco put on board his or their Ship or Ships vessell or Vessells shall upon the Clearing of such Ship or Ships Vessell or Vessells make Oath before the said Collector or Deputys & Navall Officers or their Deputies af^{d} wth whom they Entred, that every the said hhd or hhds of Tobacco by them so taken an Acco^{t} of were realy & bona fide measured and found to be in size according to the Directions of the said Act hereby Strictly Enjoyning the Collecto^{rs} their Dep^{ties} & Navall Officers & their Dep^{ties} as af^{d} to Examine into and tender such an Oath as also that at the same time such Mast^{r} Mate, Boat Swain or other Officer or person soe as af^{d} intrusted give likewise an Acco^{t} Vpon Oath of the Number of hhds by them taken an Acco^{t} off & that the Master in particular Swear that he neither will nor does designe by himself or any other procurem^{t} to take in any more tobacco that present Voyage either before or after Clearing other than what he has given an Acco^{t} off vpon Oath as afd. But if he should take more tobacco in that then they will give
p. 197 further Acco^{ts} of the same upon Oath likewise, And Forasmuch Most Masters and Com̄anders of Ships doe seem to plead Ignorance to such Laws of this Province as doe any wayes narrowly touch or Concern them I doe further Order that the said Respective Collectors their Deputies and the Navall Officers & their Deputies afd doe forthwth gett & procure Coppies of all such Acts of Assembly any wise relating to or Concerning Mast^{rs} of Ships or Trade &^{ca} as are now in force & the same keep in their Respective Offices for the

perusall & Satisfaction of all such Mast[rs] hereby Strictly Enjoyning the Severall Sherriffs of the province to make Proclamation hereof in the most publick & Convenient places w[th]in their Respective Counties. Willing & Requiring all persons herein any ways concerned to yeild due and ready Obedience hereunto as they and every of them will answer the Contrary at their perill. Lib. H. D.

Given at the Port of Annapolis under the Great Seal of the Province this 20[th] day of August in the 7[th] year of his Ma[ts] Reign &[ca] Annoq Dom: 1695

God Save the King: Fr. Nicholson

his Ex[ncys] Significacõn of his power in Erecting ports & upon advice given him of the Imparacõn of the trade of this province by the pensilvanians & the Defrauding his mats Dutyes for Importing Liquo[rs] as likewise the inticeing away the Inhabitants out of this province &[ca] Order thereon &[ca]

His Ex[ncy] being pleased to Signify that (by his Comission) he finds he has power to erect ports; and upon Advice Recd that the Trade of this Province of Maryland is much impared & damnifyed by several Sloopes Shallops & Boates belonging to Pensilvania w[ch] keep runing & trading up and down w[th]in the severall Rivers and harbours thereof, taking in their loading over land at the head of the Bay & Carting indifferent large Sloopes Shallops & Boates from thence into this province w[th]out making any Report or Entry And Forasmuch as it is likewise set forth that his Ma[ts] duty for importation of Liquo[rs] from those parts hath been much defrauded by concealing and hiding severall quantities of Liquo[rs] w[th]in Caske pretended to be filled w[th] bisket & fflour, And that they make it their dayly practice to intice tradesmen, Seamen & other persons out of this province, Under Specious pretences & fair promises; Ordered thereupon that Proclamation issue to prevent for the future all such illegall & irregular Methods and Wayes.

August the 17[th] 1695:

Produced a Proclamation drawn up accordingly the w[ch] being read was Signed by his Ex[ncy] & passed the Bread Seale of the Province the Tenor whereof follows in these Words Viz[t]

By his Ex[ncy] the Cap[t] Gen[ll] &[ca]

A

Maryland ss Proclamation p. 198

Proclamation Relating to the Trade of Pensilvania &[ca]

Whereas their Ma[ts] did by their Royall Comission unto me Francis Nicholson Esq[r] Cap[t] Gen[ll] & Govern[r] in Chief of this his Ma[ts] Province of Maryland bearing date the tenth day of ffeb[ry] 1693/4: Give & grant full power and Authority for the Erecting of ports &[ca] within the same; And Forasmuch as (by severall

Lib. H. D. Complaints & other advice received) it is made apparent that the Trade of this Province is much impared & Damnifyed by Sloops Shallops & Boates off & belonging to the province of Pensilvania Town of New castle & Territoryes thereunto belonging (they being distinct Governm^{ts} from this) which keep runing and Trading up and down wthin the severall Rivers and Creekes of this his Ma^{ts} Province of Maryland, transporting their loading over land & taking in the same at the heads of Severall Rivers wthin this Province especially Bohemia & Elke Rivers, and not only so; but are frequently known to transport in Carts at the said places indifferent large Sloopes, Shallops, & Boates wthout making any report or Entrey thereof Making it likewise their Daly practice to intice away & Entertain severall Seamen belonging to Ships & ffreemen & others Inhabitants of this Province under Specious pretences much to the prejudice & Damage of his Ma^{ts} Revenue & the trade & Navigation of England And Forasmuch as it hath likewise been represented unto me in Councill, how that his Ma^{ts} Duty for Importac$\bar{o}$n of Liquo^{rs} from those parts have been much defrauded by concealing & hiding severall Runlets full of Brandy Rum & other Spirits, And wine wthin Caske pretended to be filled with Bisket and ffloore: For prevention of all w^{ch} illegall & irregular proceedings for the future, I have (by and wth the advice of his Ma^{ts} hono^{ble} Councill) thought fit to publish and make known & I do hereby Accordingly Order & Co$\bar{m}$and that all Boates, Shallops, Sloops or other Vessells trading so as af^{d} & taking in any goods Wares or Merchandizes being transported out of Pensilvania Town of Newcastle and Territoryes thereunto belonging into this Province over Land, go directly wth the Same vnto the Port of Williamstadt (formerly Oxford) or the port of Annapolis (formerly Ann Arrundell) and there make due Entry Barter Sell and Dispose of the same to their Best Advantage and in no other port or place whatsoever with in this Province,
p. 199 Under penalty of seizure of all such goods Wares & Merchandizes so as af^{d} imported and sold contrary to the intent & meaning aforesaid, And Further that all such Boats, Shallops & Sloops, or other Vessels or any Land carriages whatsoever that for the future are or shall be Transported out of Pensilvania Town of Newcastle & Territoryes afd into this Province over Land that the own^{rs} Masters or Imployers of the same Give the Navall Officer of Cæcill County an Acc^{t} thereof And take his permit to go to one or both of the Aforemenc$\bar{o}$ned Parts Under like penalty of Seizure and of being proceeded ag^{t} according to Law hereby strictly Enjoyning and Co$\bar{m}$anding all & Singular his Ma^{ts} Collector wthin this Province their Dep^{ties} & others whom it doth or may concern to Make dili-

gent search both by Land & Water for all such goods Wares and Merchandizes not legally imported and the same to seize & cause them to be proceeded ag^{t} according to due Course of Law, And to the End all diligent care may be taken to prevent the inticeing a way Seamen & others it is hereby provided that if in case any such person inticed shall be found entertained & Recd on Board any Boat, Shallop, sloop or other Vessell belonging to the Province of Pensilvania Town of Newcastle & Territoryes thereunto belonging, Such Boat Shallop Sloop or vessell shall in like manner lay lyable to be seized & prosecuted as afd And to the end due notice hereof may be given I do hereby Com̄and the severall Sherriffs of the province to make Proclamation hereof in the most publick & convenient places wthin their respective Counties, Willing and Requiring all Officers and others whom this doth or may concern to Yeild all due Obedience hereunto at their perill Given at the Port of Annapolis Under the great Seale of the province this 17th day of August in the Seaventh Year of his Ma^{ts} Reign Annoq Domi: 1695 Lib. H. D.

God save the King: Fr: Nicholson

Armes taken from Mattapany Ordered to be Restored &ca

Ordered that what Arms were by any person taken away from Mattapany in the time of the Revolution the same be Restored again either to the owner (if to he found) or Colonell of the County, where the present possessors of such Army live, vnder penalty of being proceeded ag^{t} And that the Sherriffes of S^{t} Maries, Calvert & Charles Counties, make inquiry there about & give Notice thereof in all ports wthin their respective Counties & make Return of their proceedings herein unto this Board with all Convenient Speed.

The Board proceed to setling the Militia Officers wthin the New and late Counties divided as follows, Viz^{t} p. 200

Coll Henry Jowles constituted & appointed Colonel of Sn^{t} Maries County.

Militia Officers Regulated &ca wthin the New & Devided Countyes

John Courts Esq^{r} Colonel of Charles County. Coll John Addison Colonel of Prince Georges County, And that the Colours for the said County be Sn^{t} Georges Cross, Viz^{t} a Red cross in a White ffield.

Coll John Hinson Colonel of Kent County.

Lieveten^{t} Coll Mitchell, Colonel of Calvert County.

Maj^{r} John Bigger his Lieveten^{r} Colonel & M^{r} Walter Smith Maj^{r} of the said County.

Lib. H. D. Colonels Orded to Consult abt yr officers & Comander & also Comissionrs for the sd Countyes &ca

Ordered that the said Gentl: now appointed Colonels, do betwixt the time prescribed by the Act to take place consult what Officers and Comanders to make within their Severall Troops and Companies, And that they Regulate the same against that time, as also consult & consider of Comissionrs to be Appointed within the same, And to Return a List of what persons may be thought most proper for that Station.

Military Instructions to be Drawn out & sent to Calvert County ffield Officers

Ordered that the Military Instructions sent to the Severall Counties in October last be drawn forth and sent to the present ffield Officers of Calvert County appointed.

Govrs proposal to the Councill wch will be least chargeable a Bridg or fferry to be kept at Mount Calvert &ca

Proposed by his Excy to the Gentl: of the Councill wch will be least charge and most Serviceable for the Countrey Vizt the Building of a Bridge or keeping a publick fferry over Petuxant River at Mount Calvert & that they consider of the same agst next Assembly.

Governrs proposall abt seating an Indian tract of Land &ca

Proposed that some way be found out that may occasion the seating a certain Indian Tract of Land, Scituated betwixt Pomunky & Mattawoman extending at least twenty Miles upon the River of Potomock & now within the Bounds and limits of Prince Georges County, therefore his Excy does particularly Recommende (for his Mats Service) some way be found out to Oblige the Indians to Suffer the seating thereof, wch will occasion a greater quantity of Tobacco to be made, as also advance and Encourage the aforementioned New County; therefor his Excy is pleased to recommend it to the Gentlemen of the Councill that they would consider agt the Assembly of some proposalls to make to the House for the furtherance thereof requiring the honoble Coll John Addison to speak to the said Indians to be here at Annapolis the 3d day of October next & that Coll Charles Hutchins speak to the Indians in Dorchester County to be then likewise here.

p. 201 Comissionrs of Severall Counties Orded to see all business in their Corts fully Ended in March Cort

Ordered that the Comissionrs of Snt Maries, Kent, Calvert & Talbot & Charles Counties (being Counties by Act of Assembly lately divided take speciall care to see all Business in their Severall Courts depending fully compleated & ended in March Court next to be held within their said Respective Coun-

next & thᵗ wᵗ appearances are there taken be transmitted to the proper Corts where the Defts reside &ca

ties; And that the appearances taken that Court be by the Clerks of the said Counties (where taken) transmitted to be tryed within the Jurisdiction of such Court as the parties defendants do actually live & Reside in according to division of the same made & that after the said March Court all Writs precepts & process issue out of the proper Courts lying within the limits & Jurisdiction of the afᵈ late divided Counties & the New made County called Prince Georges County, pursuant to division of the same by Act of Assembly made as afᵈ. Lib. H. D. Whitehall

Ordr of Councill constituting Mr Cooper Clk of prince Georges County &ca

Ordered that Mʳ William Cooper be appointed & Constituted and he is hereby accordingly nominated & appointed Clerke of Prince Georges County, he Yeilding & paying unto the honoᵇˡᵉ Sʳ Thomas Laurence Baronᵗ Secretary the full Tenth part of the Profits and perquisits as other County Clks doe pay & Satisfy & Reserving the Residue to his own proper vse & behoofe as other County Clks doe hold & injoy the same and that he fit himself wᵗʰ necessaries for his Office and prepare his security agᵗ the time limitted and appointed by the Act of Assembly for the said County to Comence. Whitehall

Vestreymen Ordrd to build Churches &ca

Ordered that the Vestrymen of the Severall & Respective parishes within this Province take all due and Speedy care for the building of Churches (where wanting) and for the taking the Oathes & Subscribing to the Test as also chooseing Church Wardens pursuant to the directions of the Act of Assembly of this Province in that Case made & provided; And that where the Court houses within any of the Counties of the province are placed convenient where Churches may stand or be Erected, that in such case the said Court houses be made use off for Churches to perform Divine Duty & Service in; especially Dorchester County Coʳt house in the parish of Great Choptanck, so that instead of Building a Church at Cambridge, the Vestrey may build a Chappell of Ease in some other Convenient place, And in like manner other parishes are hereby directed and Required to Observe and follow the same Rule. And it is hereby further Ordered, that where ministers are wanting in any the said ꝑishes the Vestreymen for the same appointed take care to provide some sober, discreet person to Read prayers on Sundays, And where it so falls out that one Minister happens to Enjoy the benefit & profits of two ꝑishes that then such Minister provide some sober and discreet person to Read prayers as afᵈ in that Church those dayes the Minister shall therein be absent, Provided the whole fforty ꝑ poll be paid Whitehall p. 202

Lib. H. D. such Minister, Requiring such persons diligently to observe the Reading the first & second Service & the people to stand and kneele as the Rubrick directs; And that the Churches be decently kept & the Communion Tables Raild in, And Further Ordered that all Children brought to Church to be baptized be Christned immediatly after the Reading the second Lesson & that the Holy Sacram[t] of the Lords Supper be Administred at least three times every year, Viz[t] Christmas, Easter & Whitsontide; And that where the fforty p poll was not Collected last year that the same be Collected this year (according to the Directions of the Ord[r] of the last Assembly) for the Use of the Ministry, Ministers being sent for in & expected this ffall: And lastly Ordered that the Severall Sherriffes of the province make Strict inquiry of the Justices or other persons living within their respective Counties, if there be any Glebe Lands or personall Estate bestowed or given to the Church or towards building of Schooles or other pious Uses, whereof the Sherriffes are to Return an Acco[t] unto this Board & give Copy of this Order to the Vestry of each pish w[th]in their respective County's and that they signify to this Board vnder their hand by the 2[d] day of October next of their having so done, under the pain & perill w[ch] may Ensue for neglect of the same; The list of Taxables are then likewise by you to be Return'd.

Ord[r] tht it be moved to the Burgesses for a Law that the Church at mount Calvert be a Court house as well as a Church &[ca]

Ordered that it be Recommended to the house of Burgesses for a Law to be made that the Church at Mount Calvert be fitted to serve as well for a Court house as Church, And so in all other places where the same can conveniently be done.

August the 15[th] 1695.

The Councill again Sate and Were

Present

His Ex[ncy] Francis Nicholson Esq[r] Cap[t] Gen[ll] &[ca]

Coll Henry Jowles, Coll George Robotham, Coll Charles Hutchins
Coll John Addison, John Courts Esq[r], Thomas Brooke Esq[r]

p. 203 Maj[r] Thompsons Lett[r] to the Gov[rnr] touching his seizure of a

Produced and read a Lett[r] from Maj[r] John Thompson to his Ex[ncy] dated the 19[th] day of July 1695: touching his Seizure of a Shallop belonging to James Anderson dec[d] for Exporting skins without Entry

Shallop for false trading &ca & Mr Collier appointed Riding Surveyrs to prevent such abuses &ca Ordr for his Comission & wt his Sallary to be p ann

&ca and (as is said) was designed to have conveyed a way the sd Shallop out of this Province into Pensilvania over Land; the which being Read it was thought Absolutely Necessary that a Riding Surveyor or two be appointed And placed some where convenient to take an Acco[t] of all such Abuses comitted, as also inspect Yearly what quantityes of tobacco is made in those parts; Whereupon Mr Thomas Collyer being proposed to be a proper and fit person for the sd Imploy who appearing & accepting thereof, it was Ordered that Comicon be prepared for him accordingly, he finding Security for his due Execucon of the said place &ca & that for his trouble pains and care therein he be allowed the Sume of Twenty pounds Sterl Yearly out of the fines and fforfeitures becoming due within this Province. Lib. H. D. Whitehall

Mr Collier constituted Navall Officer of the port of Williamstadt & Mr Watkins of Petuxant District &ca Whitehall

Ordered that the said Thomas Collyer be likewise constituted Navall Officer for the Port of Williamstadt. And that Mr Samll Watkins be in like manner constituted Navall Officer of Petuxant District and that Comissions be drawn for them accordingly

August the 20th 1695.

Mr Watkins upon Receipt of his Comission tooke the Oathes &ca

The said Samll Watkins Recd his Comission as aboue and had Administred unto him the Oathes Appointed by Act of parliamt to be taken instead of the Oaths of Allegiance & Supremacy and Subscribed to the Test as also tooke the Oath of Trade and Navigation. Whitehall

Mr Colliers preparacon for his imploymt & ordr thereon &ca

Mr Thomas Collyer being gone to fit & prepare himself for his imploys it was Ordered that he should be sworn before one of his Mats honoble Councill or one of the Justices of the Provll Court, before he Reced his Comission, which accordingly was performed as by the following certificate appears Vizt

Coll Greenberry's Certificate of Mr Colliers taking the Oathes &ca

Memorandum That this day (to Witt) the 29th day of August 1695. Came Mr Thomas Collier before me & tooke the Oathes appointed by Act of Parliament instead of the Oathes of Allegiance & Supremacy as also the Oath of Trade & Navigation as being recomended to me by Mr Henry Denton Clk of the Councill to Administer the afd Oathes and also Subscribed to the Test

Testes. Nich: Greenberry

Lib. H. D. p. 204

Talbot County Shff. orded to Execute & Receive Thomas Broughs fforfeited Recognizance &ca & the Att. Genll to pse-cute him

Ordered that the Recognizance taken ag^t^ Thomas Brough in Talbot County Court being forfeited be Executed & Received by the Sherriffe of the said County & paid to his Ma^ts^ Receiver And that M^r^ Attorney Gen^ll^ prosecute the said Brough according to due Course of Law.

Whitehall

Majr Kings Oath abt his Collection of the 1^d^ p hhd w^th^in his District &ca

Came Maj^r^ Robert King Navall Officer of Pocomoke District & made Oath to his Collection of the 1^d^ p hhd w^th^in the s^d^ District from the 11^th^ day of October 1694: to the 26^th^ day of July A° 1695 that the same is a just & true Acco^t^

August 16^th^ 1695:

The Councill again Sate & were p^r^sent as before.

Whitehall

M^r^ John Elsey continued Depty Clk of Calvert County of the Justices Consent to the same &ca

Upon Representation, Ordered that M^r^ John Elsey Dep^ty^ Clk of Calvert County Co^r^t, under M^r^ Thomas Briscoe lately deceased be Continued to Act in the said Station & place (if the Justices of the said County are consenting & do approve of the same) he taking halfe the profits and perquisits thereunto belonging unto his own use untill Notice be given from the hono^ble^ S^r^ Thomas Laurence Baron^t^ Secretary provided the said Elsey Enter into Bond w^th^ one Sufficient Surety in the sum̄e of one hundred pounds Sterl to his Ma^ty^ for his due Execucōn of the said place as is usuall.

Whitehall

Coll Darnall the Ld Baltemore agent praying that all Shiping may make their Entry wth his Ldsps Officers tht his Lop may not be defrauded & Order thereon

Upon Reading a Petition of Coll Henry Darnall the Lord Baltemores Agent Setting forth that his Lo^ps^ Dues are much lessened for want of the Ships making due Report of their Lading, therein praying that all Ships & Vessells hereafter Coming in & trading w^th^in this Province may make due Entry of their said Ships & Vessells at their first coming in, w^th^ his Lo^ps^ Officers, Ordered thereupon that all Masters of Ships & other Vessells for the future coming in & trading w^th^in this Province apply themselves to and make due Entry w^th^ the Lord Baltemores Officers & give Bond for the Just paym^t^ of his Lo^ps^ Dues provided the said Officers shall not exact any Reward for the same, And that his Lo^p^ keep Officers convenient to the places where his Ma^ts^ Officers are placed, And according to Act of Assembly, one at Annapolis & a Nother at Williamstadt.

Coronrs Inquests to be inquired into by the Kings Receiver Genll &ca

Ordered that George Plater Esqr his Mats Receiver Genll take care to make due inquiry into all the Returns of the Severall Coronrs Inquests wthin this Province ꝑticularly into the Inquest of Mr John Hazlewood one of the Coronrs of Dorchestr County returned upon the Body of one Simon ffeene drowned in ffishing Creeke that where any thing becomes due to his Matty he collect the same, And as his Mats Attorney Genll make due proceedings therein, as the Law in that case Directs. Lib. H. D.

Sherriffs of the Province Orded to acquaint the Surveyors of the Roads that they clear all publick Roads 20 foot wide &ca

Ordered that the Sherriffs of the Province acquaint the Surveyors of the highways appointed in the severall hundreds wthin their respective Counties that they take care to see all publick Roads be cleared twenty foot wide & that the publick Roads wch lead to Annapolis & Williamstadt, the trees thereof be marked wth ffour Notches, contriving to Leave all shady trees in clearing the same and to grub up all Roots & Stumps, and that bridges be made over the Swampy places where wanting & that the low and wet places of the Roads be drained. p. 205

Collectors & their Deptyes Orded to Receive the 1d p lb for tob transported to any of his Mats American plantacons &ca

Ordered that the Severall & respective Collectors wthin this Province and their Deptes take care to Collect & Receive from the severall Mastrs & Comanders of Ships &ca (Exporting Tob: out of this Province for any of his Mats American plantations) the penny ꝑ pound in Money Sterl: Bills of Exchange or the full value thereof in tobacco at the price current pursuant to the directions of the Law in that case. Whitehall

August the 17th 1695.

The honoble Coll Charles Hutchins & Coll David Brown being Aded to the Councill, the said Matter was again taken into Serious debate and Resolved that an Answer to the said Governrs Letter be sent and that Capt Thomas Tasker go wth the same According to Order of the last Assembly and that Instructions be drawn up for to direct him how to proceed in the said Affair, the which were prepared accordingly & the said Capt Tasker sent for, Were Read & Signed by his Excy & afterwards delivered into his Custody and Charge; The said Letter & Instructions follow in these Words, Vizt

Lib. H. D.

Port of Annapolis August 17th 1695

Governrs Letter to the Governr of New Yorke Sent by Mr Tasker Relating to Asstance of that place &ca

Whitehall

Sr

Yrs of the 17th of June past I did not Receive till about the middle of July, it not being sent by an Express the honoble his Mats Councill of this Province living in the severall parts of it remote from this place makes it difficult to call them together & some of our Ships being but lately gone & the Collectors Districts laying a great way a Sunder, the Bills of Exchange for the late Additionall 3d p hhd could not be got sooner, wch are reasons tht I have not Returned your Excncy an Answer before. This is to be presented to yr Excncy by Mr Thomas Tasker, one of the house of Burgesses and Treasurer of the Province, who (according to an Order of our late Sessions of Assembly) was appointed to wait vpon Your Excncy when you sent either for men or Money in Ordr to give you a just & full Accot of the state of this his Mats Province in relation to both therefore do desire you will give Credit to what he shall Say

August the 19th 1695

The Councill again Sate & were Present as before with the Addition of the honoble Coll David Brown

Sherriff of each County Orded to give notice to the Clk of the Cort & Clk of Indictmts to appr before the Govr & Councill 1 day of next provll Cort to make Oath to the ffines & fforfeitures &ca

Whitehall

Ordered that the Sherriff of each respective County give Notice to the Severall County Clerks & to the Clerks of the Indictmts that they & every of them be & personally appear at the port of Annapolis before his Excncy in Council the first day of the next provinciall Court in Order to make Oath to the ffines & fforfietures passed in their Severall Courts, and for the future that they make Oath to the same before the Justices of the County Courts

Sherriff of Ann Arrundell & Talbot to Live in Annapolis & Williamstadt for the future

Ordered that the Sherriff of Ann Arrundell & the Shff of Talbot County give publick Notice in all parts wthin the limits of their Counties that all persons who for the future shall be Constituted and appointed Sherriffs for either of the said Counties must Actually inhabit & live within the port of Annapolis for Ann Arrundell County & port of William Stadt for Talbot County & to the End such persons as are minded to make Application unto this Board for the same may prepare themselves Accordingly agt that time

August the 19th 1695. Lib. H. D. p. 190

Produced at the Board & Read a Proclamation to the said Effect wch was signed by his Excncy & passed the Broad Seal of the Province, The Tenor whereof ffollows in these words Vizt Whitehall

By his Excncy the Captt Genll

A

Maryland ss Proclamation

Proclamacon relating to the Death of the Queen & alteracōn of all process &ca of this Province

Whereas it hath been Signifyed unto me by a Letter recd from the honoble John Povey Esqr one of the Clerks of his Mats Most honoble Privy Councill and Deptv Secretary of his Mats Plantations bearing date the 9th day of March past how that it hath pleased Almighty God to take unto him self her late Matv Queen Mary (of ever blessed and Glorious Memory) and of the Great and irreparable loss is thereby sustained And Forasmuch as upon all such Accidents there is a Necessity for the Alteracon of the Course and Manner of the Severall process and proceedings had & used in the Respective Courts &ca I have therefore (by and with the Advice of his Mats honoble Councill) thought fit to publish and Make known, And I doe hereby accordingly Order & Cōmand that from hence forward & for the future all & all manner of Writts, Writings, precepts, & process Whatsoever Judiciall or otherwise issuing forth of any his Mats Courts or the Offices &ca within this Province, do beare Stile & rune in the Name of his Matv King William the third &ca Willing and Requiring the severall Sherriffes of the Province to make Proclamation hereof in the Most publick & convenient places within their Respective Counties to wch all persons here in any wise concerned are to Yeild all ready and due Obedience, as they and every of them will answer the Contrary at their perrill Given under the Great Seale of the Province this 19th day of August in the 7th Year of his Mats Reign Annoq Domi: 1695.

God Save the King Fr: Nicholson

Coll ffletchers Lettr Relating to Assistance from this Province & Ordr thereon &ca

His Excncy Signifying his Receipt of a Lettr frō his Excncy Coll Benja Fletcher Governr of New Yorke dated 17th of June last, requiring thereby Assistance from this Province of 160 men wth their proper Officers towards the Defence of his Mats Province of New York in pursuance of her Mats Royall Lettr Whitehall bearing date the 22d day of August 1694: Whereupon was Ordered to be inspected her Mats said Lettr upon perusall whereof there did not appear any Officers therein Mentioned;

Lib. H. D. p. 191 Ordered that the said matter be Referred to be considered off in a fuller Councill, being a thing of so considerable importance

his Exncys Ordr for adjourning the provll Cort & proroguing the assembly to the 2d of Octobr next &ca

Whitehall

His Exncy haveing sent for what Burgesses were in Town, as also the Justices of the Provinciall Cort & Lawyers did discourse them in Councill about the Meeting of the Assembly & Adjourning of the said Court, proposing Whether it would not be most convenient & least charge to have them both at one time in the beginning of October Next, & that they would speake if they have any thing to say to the Contrary

p. 206 Who haveing nothing to say to the Contrary His Exncy was pleased to Order as it is hereby Ordered that the Provinciall Court be Adjourned to the 2d day of October next, being Wednesday and the Assembly further Prorogued until that time, And that Proclamation issue to give Notice of the Same, wch was Accordingly done, produced & Read & was Signed by his Exncy & passed the Broad Seal of the Province, The Tenor whereof follows in these words, Vizt

By his Exncy the Capt Genll A Proclamation

Maryland ss

Proclamacon for prorogation of the Assembly & ajournmt of the Provll Cort &ca

Whereas the Genll Assembly of this Province begun & held at the City of Snt Maries the 20th day of September last past, by Severall Adjournmts & by prorogation on the 22th of May Ao 1695 Stands now prorogued unto the tenth day of Septembr next ensuing. And Forasmuch as it doth not appear at present that any Matters of Moment importing his Mats Service or well fare of the Countrey will Offer themselves at that time to the Consideracon of the sd Assembly wch might then require their Meeting; It being besides upon the Mature deliberation and Advice of severall Gentl. of the house of Burgesses & Justices of the Provll Cort & Lawyrs (being thereunto called) considered that the Meeting of the Assembly and holding the Provinciall Cort both at one time may be very suitable & proper & less expensive to the Countrey I have therefore (by & wth the Concurrent Advice of his Mats honoble Councill) thought fit, and I do hereby fully Resolve, determain, & Ordain, that the said Genll Assembly be further Prorogued unto the Second day of October next ensuing; And that the Provll Cort be then likewise held dureing wch time (pursuant to former Rules & Orders) will likewise sit the Court of Chancery & the Governr & Councill for hearing Appeals & Writts of Error Whereof the severall Sherriffs of the Province

are hereby Strictly Enjoyned & Comanded to make Proclamation in the most publick & Convenient places w^th^in their Respective Counties And to give due Notice as well to such of his Ma^ts^ Councill & Justices of the Prov^ll^ Co^r^t as do reside w^th^in their said Respective Counties, as to all & Singular the Dep^ties^ & Delegates by the ffreemen thereof thereunto Elected & Chosen, that all Excuses set apart they & every of them be & personally appear at the Port of Annapolis aforementioned on the said 2^d^ day of October next to do & consent unto those things, which then & there by the favour of God shall happen to be Ordained, for the Glory of God, his Ma^ts^ service & intrest of is Countrey, & the Justices afd in Ord^r^ to hold Co^r^t, And the Sherriffes are hereby further Ordered to give Publick notice through out their severall & Respective Counties that all persons who have any Publick Claims to make to the Assembly, that upon proveing their Acco^ts^ according to the Directions of the Law in that Case and sending up the same w^th^ any one of the Burgesses of the house shall be deemed Sufficient for allowance of the Same, provided such Acco^ts^ for publick Services &^ca^ put in, be not over charged, the regulation of all w^ch^ matters is left to the Comittee thereunto Authorized and Appointed. Given at the Port of Annapolis vnder the Broad Seal of the Province this 19^th^ day of August in the Seaventh Year of his Ma^ts^ Reign &^ca^ Annoq Domi: 1695 Lib. H. D. p. 207

God Save the King: Fr: Nicholson

Coll Wells & Coll Codd Ord^rd^ their appearance to Answer &ca

It being Represented that Coll George Wells of Baltemore County & Coll Sn^t^ Leger Codd of Kent County two of his Ma^ts^ Justices of the Provinciall Court appointed have not as yet come to be sworne in Obedience to the said Comission, Ordered thereupon that the Sheriffes of the said Countyes give Notice to each of them that all Excuses set a part they be and appear before his Ex^ncy^ & Councill at the Port of Annapolis by the second day of October Next to shew cause (if any they have) why they did not give their Attendance accordingly.

Clerke of the prov^ll^ Court Ord^rd^ an Assistant

Upon Complaint made by the Justices of the Provinciall Court that there is want of an Assistant to the Clerk of their Court, one person being thought insufficient to manage the whole business of that Court alone; Ordered thereupon that the hono^ble^ Thomas Brooke Esq^r^ Dep^ty^ Secretary and Robert Mason Esq^r^ Attorney of the hono^ble^ S^r^ Thomas Laurence Baron^t^ principall Secretary take care to provive an Assistant accordingly.

Lib. H. D. Represented that noe prson take up any Lot in Annapolis untill further ordr from the Assembly &ca

Upon Representation Ordered that noe person whatsoever be suffered to take up any Lott within the Port of Annapolis Untill some further directions therein be given by the Assembly appointed to meet 2d of October next, the Good of the Province in generall being thereby designed & intended

Then was Read the following Peticon

To his Excy Francis Nicholson Esqr Capt Genll and Chief Governr in & over his Mats Province of Maryland &ca

The humble Petition of Edward Green

p. 208 Sheweth

Mr Greens Peticon abt Wrecks &ca & Ordr thereon

That whereas your Petitionr Liveth convenient to the sea board side in Somerset County & haveing a right to the greater part or share of those Marshes and Sand banks or beaches so termed Adjoyning to

Whitehall the sea board side or breakers of the main Sea within the said County of Somerset Your petr humbly Craves that your Excy will be pleased to grant me a Comission for seazing all Wrecks condemnable by Law also all drift Whales or other great ffish belonging to his Maty And the said ffish to Cut up and try for Oyle what can be got from the bluber thereof it being a hardship That any Strangers or Inhabitants should have freedom to range the said beaches belonging to your petr & cut the timber thereupon, Intreating that the Kings allowance may be modrate & Your favour herein will greatly Oblige me to thankfull Acknowledgmt to your Excy

And as in duty bound shall Ever pray &ca

The aboue said Peticon being Read, his Excy in Councill was pleasd to Order as it is hereby Ordered that a Comission issue to the said Green Empowering him to looke after those Matters he rendring a just & true Accot (as well of all his proceedings & future profits thereby accruing at all time &

Whitehall times, as occasion shall offer, as also of all other profits by him or any other person in those parts, by means of any such Drifts or Wrecks heretofore made and vnaccounted for) unto his Matys Court of Vice Admiralty on the Eastern Shore, giving Bond for the same & for paymt of what part thereof shall belong unto his Maty or Vice Admirall of this Province.

Mr Alderns Deputacon for Depty Collectr of Port Williamstadt & Administration of the Oathes &ca

Mr William Aldern producing to this Board a Deputation given him by George Plater Esqr his Mats Collector of Petuxant District, for being his Depty at the Port of Williamstadt, was admitted & approved off & had Administred unto him the Oathes appointed by Act of Parliamt to be taken instead of the Oathes of Allegiance & Supremacy as also the Oath of trade & Navigation & Subscribed to the Test. Lib. H. D. Whitehall

August the 20th 1695:

The Councill again Sate and Were present as before

Madam Blakistons 3d Bills of Excha Dld by the Govr in Councill to Esqr Plater &ca

Delivered by his Excy in Councill unto George Plater Esqr Madam Blakistons third Bills of Exchange, the wch his Excy had Recd from Esqr Randolph

Mr Clarkes Oath to the Collection of 12d p hhd impost &ca

Came Mr Philip Clarke Navall Officer of Potomock District & made Oath to his Accot of Collection of the imposition of 12d p hhd on Tobacco Exported &ca from the 24th of September 1694 till the 5th of June 1695. p. 209

Esqr Platers Oath to the Collection of the 15d p hhd & 3d p tonn &ca

Came George Plater Esqr Collector & Receiver of his Mats Revenue wthin the District of Petuxant who made Oath to his Accot of Collection of the 15d p hhd & 3d p Tonn by him collected wthin that District from the Eigth of May 1695 unto the 30th of July following, that the same are just & true Accots Whitehall

Mr Denton being Deputed Depty Collectr of the Port of Annapolis took the Oaths &ca

Henry Denton haveing Received a Deputation from George Plater Esqr for being Depty Collector wth in the Port of Annapolis had Administred unto him the Oaths Appointed by Act of Parliamt to be taken instead of the Oathes of Allegiance & Supremacy as also the Oath of Navigation and Subscribed to the Test.

his Excies directions that inquiry be made how writs of Eleccon to supply vacant places should issue and Answer thereon

It being represented that the house of Burgesses would (at their meeting) be deficient for want of some of the Members thereof, occasioned through death and otherwise; whereupon his Excy was pleased to give directions that inquiry should be made how Matters of that Nature had usually been carryed Vizt whether Writs of Election to supply the Vacant places should issue by his Excies Order now

Lib. H. D. out of Assembly time, or that the Speaker should do it by his Warrant at the Meeting of the Assembly And upon inquiry made it was answered that the said Writs should issue in the Assembly time.

Mr Wilsons answer abt such psons as were not taken in the List of Taxables

Came Mr Ephraim Wilson according to Summons, who being asked concerning what Return he makes touching finding out such persons as were not taken in the list of Taxables & collecting their Leavy's &ca pursuant to Order of Councill issued the 18th of October past, to wch the said Wilson Answers that the said Order never came to his hands during his Shrivalty but that he has procured a Copy of the said Ordr now & will be accountable accordingly.

Sherriff of each County Ordrd to inquir of the Rangrs wt wild horses have been taken up & how disposed of since the Govrs arrivall & tht for the future they surcease in taking up the same &ca

Ordered that the Sheriff of each Respective County wth in this Province make inquiry what persons are Empower'd or Commissionated to Range for wild horses, And that the said Sherriffs learn and inform themselves by the best Means & Wayes they can, what wild horses have been taken up since his Excncies Arrivall & how disposed off, and that notice be given to all such Rangers & other persons ranging & taking up wild horses, hogs or Cattle, as well with as without Lycense, that for the future they altogether Surcease & forbear ranging for and taking up any Wild horses, hogs or Cattle, not properly belonging to themselves, vnder paine and perill that shall fall thereon, hereby comanding the said Sherriffes to make due Returne unto this Board by the Second day of October next, how they shall have Executed this Order.

p. 210 An Accot of Warrants given by his Excncy to the Sevrall Navall Officers &ca for paymt of the Impost of 3d ꝑ hhd the first Accot whereof was made up the 22d day of May & the later the 20th of August following Anno 1695 the Tenor whereof ran in these Words Vizt

Esqr Platers warrt from the Govr to pay him 227l 8s & 3d

You are pursuant to an Act of Assembly of this Province passed the 9th day of June Anno 1692: intituled an Act to the Act for the Settlemt of an Annuall Revenue upon their Mats Governr wth in this Province for the time being, being an Impost of 3d ꝑ hhd upon every hhd of Tobacco exported &ca And by vertue of an Order of Councill this day to pay unto me the sume of two hundred twenty seaven pounds Eight Shillings & three farthings sterl: for which this shall be your Sufficient Warrt

Given under my hand this 22d day of May in tne seaventh year of his Mats Reign &ca Annoq Domi: 1695. Lib. H. D.

To George Plater Esqr his Mats Collector & Receiver wth in Petuxt District } Fr. Nicholson

These

Warrt to Ditto to pay his Exncy 248lb 14s sterl

You are pursuant to an Act of Assembly of this Province passed the 18th day of October Anno, 1694, intituled an Act for Setling a Revenue on their Mats present Governr being an Impost of 3d p hhd upon every hhd of tobacco exported &ca And by Vertue of an Ordr of Councill this day to pay unto me the sume of Two hundred fforty Eight pounds, ffourteen shillings sterl. for wch this shall be your Sufficient Warrt Given under my hand this 20th day of August in the Seaventh year of his Mats Reign &ca Annoq Domi. 1695.

To George Plater Esqr his Mats Collectr & Receiver &ca wth in the District of Petuxt. } Fr: Nicholson

Warrts Drawn by his Exncy to Mr Clerke to pay him in all 61lb 3s & ½d

The same Warrts drawn by his Exncy for Mr Philip Clarke Navall Officer of Potomock district to pay unto his Exncy (one bearing Date the 22d of May Anno 1695. for the sume of Twenty Eight pounds six shillings & three pence sterl. the other the 20th of August following, for the sume of thirty two pounds sixteen shillings & nine pence halfe penny sterl.) in all the sume of Sixty one pounds three shillings & a halfe penny sterl.

Ditto on Majr King for 21lb: 19s 1½d

The same Warrts drawn by his Exncy for Majr: King Navall Officer of Pocomoke District to pay unto his Exncy (one bearing date the 22d of May Ao 1695. for the sume of Twelve pounds Eleaven shillings & Seaven pence half peny sterl. the other the 20th of August for the sume of nine pounds seaven shillings & six pence sterl.) in all the Sume of Twenty one pounds Nineteen Shillings & three halfe pence sterl.

Govr full accot of all Warrt given to the severall Navall Officers & Collectr from his arrivall to the Date hereof for ¾ parts of the addiconall Duty of 3d p hhd &ca

A brief & full Accot of all Warrts in generall Given by his Exncy to the Severall Navall Officers &ca for paymt of the 3 fourth parts of the 1s p hhd & of the additionall Duty of 3d p hhd from the time of his Exncies first Arrivall unto this 24th day of August Anno 1695 as follows Vizt p. 211

		lb s d
Lib. H. D. May 22d, 1695	Warrant to George Plater Esq^{r} Collector & Receiver of petuxant District to pay unto his Ex^{ncy}	682 .. 04 .. 02 .. 1
	Warrant upon Ditto to pay to Ditto	227 .. 08 .. 00 .. 3
August 20th, 1695	Warrant upon Ditto to pay to Ditto	745 .. 02 .. 00 .. 0
	Warrant upon Ditto to pay to Ditto	248 .. 14 .. 00 .. 0
	In All	£1903 .. 08 .. 03 .. 0
May 22d, 1695	Warrant to M^{r} Philip Clarke Navall Officer of Potomock District to pay unto his Ex^{ncy}	84 .. 18 .. 09
	Warrant upon Ditto to pay to Ditto	28 .. 06 .. 03
August 20th, 1695	Warrant upon Ditto to pay to Ditto	98 .. 10 .. 03 .. 3
	Warrant upon Ditto to pay to Ditto	32 .. 16 .. 09 .. 2
	In All	£244 .. 12 .. 01 .. 1
May 22d, 1695	Warrant to Maj^{r} Rob^{t} King Navall Officer of Pocomoke District to pay unto his Ex^{ncy}	37 .. 14 .. 11 .. 2
	Warrant upon Ditto to pay to Ditto	12 .. 11 .. 07 .. 2
August 20th, 1695	Warrant upon Ditto to pay to Ditto	28 .. 02 .. 06
	Warrant upon Ditto to pay to Ditto	9 .. 07 .. 06
	In All	£87 .. 16 .. 07

Maryland ss

p. 212 Know all men by these p^{r}sents that we Edward Green and John Edmundson of the Province of Maryland gent. are holden & firmly bound unto his Ex^{cy} ffrancis Nicholson Esq^{r} his Matys Cap^{t} generall and Vice Admirall of the Same in the full and Just Sume of five hundred pounds of Lawfull money of England to the which paym^{t} well and truly to be made unto the s^{d} ffrancis Nicholson his heires Ex^{rs} adm^{rs} or Assignes we bind our selves and each of us our and either of our heires Ex^{rs} and Adm^{rs} in the whole and for the whole firmly by these p^{r}sents as Wittness our hands and Seales this Twenty first day of August in the Seaventh year of his Matys reigne &c. Anoq Dni 1695.

The Condition of this Obligac$\bar{o}$n is Such that Whereas the above bound Edward Green hath by his humble petition to his s^{d} Ex^{cy} ffrancis Nicholson Esq^{r} in Councill humbly sett forth that liveing Convenient to the Sea bord side in Sumersett County & owning most part of the Marshes, Sand banks and breakers of the maine Sea so farr as the Limitts of the said County Extends therefore prayd a Comission might be given him for the Seizing all Wrecks thither Comeing & Condemnable as also to look after all Whales & other Royall fish which at Any time may happen to be driven and Call up there with Liberty of Trying Oyle what Can be gott of the bluber of the Same which being granted it is hereby provided that if the

said Edward Green shall render a Just and True acc^tt^ of all Lib. H. D.
such Wrecks Drifts Whales or other Royall fish as either heretofore or for the future have or shall come into his possession Whereof an Advantage or benefitt unto him the s^d^ Edward Green hath at any time heretofore been made or hence forward shall be made unto his Matys Court of Vice Admlty on the Eastern shoar & pay such pt thereof unto his Matys Recev^r^ gen^ll^ without fraud or Covin as unto his Maty by law shall become due & unto the Vice Admirall what shall be his due then the above Obligation to be Voyd Otherwise to stand and remaine in full force and Virtue.

Signed Sealed and Delivered in the p^r^sence of us,
John Morrough
Hen: Denton

Ed^d^ Green [Seal]
John Edmundson [Seal]

Maryland ss.

Know all men by these p^r^sents that we Thomas Collier, p. 213
Henry Jowles Esq^r^ and ffrancis Collier are holden and firmly bound unto his Ex^cy^ ffrancis Nicholson Esq. his Matys Cap^t^ gen^ll^ and Chiefe Gov^r^ of this Province in the full and Just Sum̄e of one Thousand pounds of Lawfull money of England to be payd to the said ffrancis Nicholson Esq^r^ his heires Ex^rs^ Adm^rs^ or Assignes to the which paym^t^ well and truly to be made we bind our Selves and either of us by himselfe our and Either of our heires Ex^rs^ and Adm^rs^ Jointly and Sev^r^ally for the whole and in the whole firmly by these p^r^sents Wittness our hands & Seales this 22^d^ day of August Annoq Dni 1695.

The Condition of the above Obligation is such that Whereas his Ex^cy^ ffrancis Nicholson Esq^r^ afores^d^ hath Comissionated and Appointed the s^d^ Thomas Collier to be Navall Officer for the Port of W^m^Stadt and Rideing Surveyor within all Limits and p^r^cincts of the five Countyes lying on the Eastern shoar within the s^d^ Province by his Comission bearing equall Date with these p^r^sents. Now if the said Thomas Collier shall well and truly ꝑforme his Duty in the Managem^t^ of the two said Offices according to the Laws of England and shall observe the sev^r^all Acts of Assembly of this Province and the directions Sett down in two Certeine Proclamations bearing Dates the 17^th^ day of August Instant touching the Trade of Pensilvania and the other bearing Date the Twentieth of the s^d^ month relateing to the Gauge of Tobbacco hhds &c. and from time to time Save defend and Keep harmless the said ffrancis Nicholson Esq^r^ from all Damages Loss and Charges that he the s^d^ ffrancis Nicholson Esq^r^ shall Susteine att any time by reason of the s^d^ Colliers non ꝑformance of the s^d^ Offices so long as he shall enjoy the Same as in the said Severall Laws

Lib. H. D. is Enacted and Ordained and in the s[d] Proclamac̄ons is sett forth then the above Obligac̄on to be Voyd and of None effect, otherwise to be and remaine in full force and Virtue.

Thomas Collier [Seal]

Signed Sealed and Delivered by the s[d] Henry Jowles in p[r]sence of — Hen Jowles [Seal]

Tho: Grunwin — ffra: Collier [Seal]

Hen: Denton

And Sealed and Delivered by the other two ꝑsons in p[r]sence of

Hen: Denton

Stephen Blatchford

Maryland ss. Know all men by these p[r]sents that we Sam[ll] Watkins of the Province of Maryland Gent and Robert Smith and Robert Mason Esq[r] are holden and firmly bound unto his Ex[cy] ffrancis Nicholson Esq[r] theire Matys Cap[t] gen[ll] and Chiefe Govern[r] of this Province in the full Sume of one Thousand pounds of Lawfull money of England to be payd to the said ffrancis Nicholson Esq[r] his heires Ex[rs] Adm[rs] or Assignes to the which paym[t] well and truly to be made we bind ourselves and either of us by himselfe our and either of our heires Ex[rs] and Adm[rs] Jointly and Sev[r]ally for the whole and in the whole firmly by these p[r]esents Witness our hands & Seales this 20[th] day of August Anno Dni 1695

The Condition of the above written Obligation is such that Whereas his Ex[cy] ffrancis Nicholson Esq[r] afores[d] hath Commissionated and Appointed the said Sam[ll] Watkins to be
p. 214 Navall Officer for the District of Putuxent River within the s[d] Province by his Commission bearing Equall Date with these p[r]esents Now if the s[d] Sam[ll] Watkins shall well and truly ꝑforme the said Office according to the Sev[r]all Acts of Parliam[t] in that Case made and provided and shall observe the directions Conteined in the Acts of Assembly of this Province relateing to the Duty of Navall Officers and from time to time Save and keep harmless the s[d] ffrancis Nicholson Esq[r] from all Damages loss and Charges that the s[d] ffrancis Nicholson Esq[r] shall Susteine at any time by reason of the said Watkins non ꝑformance of his said Office so long as he shall Injoy the same as in the s[d] Sev[r]all Laws is Enacted and Ordeined Then the above Obligation to be Void and of none effect otherwise to be and remaine in full force and Virtue

Sealed and Delivered in the p[r]sence of — S. Watkins [Seal]

John Hammond — Rob[t] Mason [Seal]

Rich[d] Hill — Rob[t] Smith [Seal]

August 24th 1695 Lib. H. D.

Memorandum that his Excy gave Receipts upon the back of all the aboue Warrts & were Delivered to the parties aboue named.

Money Remitted to Capt Pagan to purchase Armes for the Defence of the Province &ca

Remitted unto Capt Peter Pagan in the first ffleet out of the Publick Revenue first stated the quarter part of the 1s: p hhd by George Plater Esqr his Mats Receiver &ca being sent to purchase publick Arms for the defence of this Province amounting to the sume of 305lb.. 12s.. 02:d 3/4

Paid by his Excy unto Capt Tregany for Locks &ca as by the following Receipt appears 3 .. 02 .. 00

£ 308 .. 14 .. 02 3/4

On board the Canterberry Xber 7th 1694.

Govrs warrt & Treganys Rect for money &ca

Sr Allow to Capt Henry Tregany the sume of Three pounds two Shillings of the 15d p hhd on board his Ship the Canterberry And this shall be your Warrt p. 212

To George Plater Esqr their Mats Collector & Receiver of Petuxant District Fr: Nicholson.

To 12 gunn Locks 2 .. 10
To 12 Indian Hatchets 0 .. 12

3 .. 2

bought of mee Hen: Tregeny

Port of Annapolis August 20th 1695

Mr Clarks Genll Receipt on the Governr &ca

Then accounted with his Excy ffrancis Nicholson Esqr Capt Genll & Governr in Chief of his Mats Province of Maryland from the begining of the world to this day & nothing is due from his said Excy he having paid mee the Ballance being ffive pounds Eight Shillings & Ten pence Sterl as Witness my hand the day and Year aboue Writen

Test Philip Clarke.
George Plater

Port of Annapolis August the 20th 1695.

his Exncies Genll Receipt from Majr King

Then Accounted wth his Excy Francis Nicholson Esqr Capt Genll & Governr in Chief of his Mats Province of Maryland from the beging of the World

Lib. H. D. to this day & nothing is due from his said Ex^ncy^ he haveing paid mee the Ballance being ffour pounds Eight shillings & ten pence sterl: as Witness my hand the day & year aboue Written

Test Rob^t^ King Navall Officer
John Morrogh

August 22^th^ 1695.

his Exncies Gen^ll^ Receipt from Mr Plater wth Errors & omicõns Excepted &ca

Memorandum that all Acco^ts^ whatsoever were then Adjusted betwixt his Ex^ncy^ ffrancis Nicholson Esq^r^ his Ma^ts^ Cap^t^ Gen^ll^ & Govern^r^ in Chief of Maryland and George Plater Esq^r^ his Ma^ts^ Collecto^r^ & Receiver of Petuxant District, his Ex^ncy^ at the same time paying him the sume of ffifteen pounds & ten pence Sterl. w^ch^ said sume brought the Acco^ts^ betwixt them to an Exact Ballance, all Errors & omissions excepted & to be allowed, Memorandum that his Ex^ncy^ pay to the Colledge in Virginia the sume of one pound three shillings & three pence, being so much underpaid by M^r^ Plater upon his Making up his Acco^ts^ of the penny p pound.

Witness hereof George Plater.
Hen: Denton.

May the 4^th^ 1694.

p. 213 Sr Edmond Andros Rect to Mr Plater for 38^lb^: 3^s^ sterl &ca

Then Recd of George Plater thirty eight pounds three Shillings for & on Acco^t^ of Navall Officers ffees I say recd by

E Andros.

May the 7^th^ 1694.

Ditto receipt to Ditto for 8s sterl &ca

Maryland
Then recd of George Plater the sume of Eight pounds Sterl for and on Acco^t^ of Navall Officers ffees recd by E Andros.

Maryland ss. Francis Nicholson Esq^r^ Cap^t^ Gen^ll^ & Govern^r^ in Chief in & over this his Ma^ts^ Province of Maryland the Islands & Territories thereunto belonging & Vice Admirall of the same.

To Edward Green of Somerset County Gentl Greeting

Mr Greens Comission from his Exncy to seize all Wrecks &ca

Whereas upon the humble petition of you the said Edward Green unto me in Councill set forth, that liveing convenient unto the Seaboard Side in Somerset County and haveing a right to the greatest part or share of those marshes sand banks or Breakers so termed adjoyning upon the same, therefore prayed a power

might be granted you for the Seizing all Wrecks thither coming & by Law condemnable &ca as also to preserve & take care of all Drift Whales Grampus's & other Royall fish unto his Maty belonging, being driven or cast up on the said Sea board Side, wth liberty to Trye for Oyle, what can be got from the blubber thereof And Forasmuch as their Mats did (by their Royall Comission under the great Seal of the high Court of Admiralty of England bearing Date at London the ffifth day of March 1693/4 and in the Sixth year of their said Mats Reign) Give and Grant unto me the said Francis Nicholson Esqr full & ample Jurisdiction of Vice Admirall within all the Bayes, Rivers, Creeks, harbours, inlets, Islands & Territoryes whatsoever belonging to or Coming within any the precincts limits or Jurisdiction of the Province afd By Vertue whereof I (reposing Speciall Trust & confidence in your ffidelity care & circumspection in and about the Matters above petition'd for) Doe hereby constitute, Depute & appoint you the said Edward Green Chief & only Officer under me for the taking seizing cutting up & trying the blubber, and making such other vse & benefit as you shall think fit or possibly can for the most advantage of all such drift whales Grampus's or other Royall ffish and of all or any other Drifts, Waftes, or Wrecks, whatsoever as shall at any time hereafter happen to come or be cast on shore on the Seaboard Side wth in the limits & Jurisdiction of this Province, Hereby fully Authorizing & Empowering you the said Edward Green to make depute & imploy under you so many Deputies or other persons (for the better managemt of the said Affair) as you in your discretion shall think fit & requisit Provided you the said Edward Green shall at all time & times (as occasion shall Offer) render a true and perfect Accot (as well of all your proceedings herein & the pfits & Advantages which thereby henceforward shall accrue, as also of all other profits by you or of any other person in those parts by Means of any such Drifts or Wrecks aforementioned heretofore made & yett unaccounted for) vnto his Mats Court of Vice Admiralty on the Eastern Shore & pay or Cause to be paid unto his Mats Receiver Genll such part & share of all such Drifts & Wrecks as by the said Court shall be adjudged unto his Maty to appertain & belong and likewise pay & satisfye unto me the said Francis Nicholson Esqr what shall be found to be my Due as Vice Admirall, Willing & requiring all Magistrates & Officers Military and Civill with in this Province & others the Inhabitants thereof to suffer & permit you the said Edward Green & such person or persons to be by you Authorized and Empower'd as aforesd quietly and peaceably to Execute & performe the powers & Authorities hereby given and Granted you; And to Resist,

Lib. H. D.

p. 214

Lib. H. D. oppose & prevent all others, Strangers, intruders or interlopers whatsoever that shall presume at any time hereafter to intermedle or concern themselves therewith, without leave or Lycense so to do, first legally had and Obtained To have and to hold the place and Office aforesaid and the powers and Authorities herein and hereby given and granted to you the said Edward Green for and during pleasure; Given at the Port of Annapolis under my hand and Seal this 21th day of August in the seaventh year of his Mats Reign &ca Annoq Domini: 1695.

Fr: Nicholson

p. 215 Mr Greens Bond for performance of his Comicon touching Drift Whales

Know all men by these presents that Wee Edward Green & John Edmondson of the Province of Maryland Gentl: are holden & firmly bound vnto his Excy ffrancis Nicholson Esqr his Mats Capt Genll and Vice Admirall of the same, in the full and just sume of ffive hundred pounds lawfull money of England, the which paymt well and truly to be made vnto the said ffrancis Nicholson Esqr his heirs Exrs Admrs or Assigns Wee bind our selves and each of vs, our and either of our heirs, Exrs and Admrs in the whole and for the whole firmly by these presents, as Witness our hands and Seals this 21th day of August in the seaventh year of his Mats Reign

Annoq Domi: 1695.

The Condition of the aboue Obligation is such that Whereas the aboue bound Edward Green hath by his humble petition unto his said Excy ffrancis Nicholson Esqr in Councill humbly set forth that living convenient to the Seaboard side in Somerset County & owning most part of the Mashes, sandbancks or breakers of the Main sea so far as the Limits of the said County extend; therefore prayed a Commission or power might be given him for the seizing all wrecks thither coming & by Law condemnable, as also to looke after all Whales & other Royall ffish which at any time may happen to be driven & cast up there, with liberty of trying for Oyle what can be got from the blubber of the same, wch being granted, it is hereby provided that if the said Edward Green shall render a just & true Accot (of all such Wrecks, drift whales or other Royall ffish as either heretofore or for the future haue or shall come into his possession, whereof an advantage or benefit unto him the said Edward Green hath any time heretofore been made or henceforward shall be made) unto his Mats Court of Vice Admirallty on the Eastern shore and pay such part thereof unto his Mats Receiver Genll (without fraud or covin) as unto his Maty by Law shall become due & unto the

Vice Admirall what shall be his due then the aboue Obligation to be void, otherwise to stand & Remain in full force & vertue. Lib. H. D.

Signed Sealed & Deliuered in the presence of John Morrogh Hen Denton

Edward Green [Seal]
John Edmondson [Seal]

Francis Nicholson Esq^{r} Cap^{t} Gen^{ll} & Govern^{r} in Chief of this his Ma^{ts} Province of Maryland
To Thomas Collyer of Talbot County Gentl. Greeting

Mr Colliers Comicon for Navall Offic^{r} of the Port of W^{m} Stadt & Riding Survey^{r} of the 5 Countyes on the Eastern Shore

Whereas by an Act of Parliam^{t} made in the 15th year of King Charles the Second, intituled an Act for the Encovragem^{t} of Trade, amongst other things it is Enacted for the better prevention of ffrauds, That all Masters and Comanders of Ships and Vessells coming into any Land, Island, Plantacon, Colony, Territoryes or places belonging to his Ma^{ty} his heirs and Successo^{rs} shall make known to the Govern^{r} of such Land, Island Plantacon &^{ca} or such other person or Officer as shall be by him thereunto Authorized and appointed And Forasmuch as upon Representation of the illegall & irregular Trade driven and carryed on by Merchants & others coming from Pensilvania & Tradeing here within this Province, it hath been thought expedient (for the better regulating that Trade and preventing such abuses for the future) to appoint a Riding Surveyo^{r} for the Severall Countyes lying on the Eastern shore, in pursuance of both which, and for the better Execucon of the af^{d} Act and other Rules contained in Severall Acts of Parliam^{t} Relating to the Duty of a Navall Officer, as all so the severall Laws of this Province. I do hereby Authorize and appoint you the said Thomas Collyer to be Navall Officer for the Port of Williamstadt, as also Riding Surveyo^{r} within all the Limits & precincts of the ffive Counties on the Eastern Shore within the said Province, with full power & Authority to inspect, Examine & inquire into all such abuses committed and to take an Acco^{t} yearly what quantityes of Tobacco is made upon the ffrontier Plantations lying nearest to the Governm^{t} of Pensilvania af^{d} And to the End you may better discharge your Duty in the trust hereby committed vnto you I do fully Authorize and Empower you to put in strict Execucon the severall powers contained in the aforementioned Acts of Parliam^{t} Laws of this Province and the directions of two proclamations by me issued, the one bearing Date the 17th day of August instant, touching the Trade of Pensilvania & the other bearing date the 20th of the p. 216

Lib. H. D. said Month, relating to the gage of tob: hhds &ca And to Observe all such further directions as you shall from time to time Receive from me relating to the Duty of the said Offices And all Officers Civill & Military and all other his Mats loving Subjects are hereby desired & comanded to be Aiding & Assisting to you the sd Thomas Collyer in the Execucon of your sd Offices; Given under my hand and seal at the Port of Annapolis this 22th day of August in the 7th year of the Reign of our Sovraign Lord King William &ca Annoq Domi: 1695.

Fr. Nicholson

Maryland ss

p. 217 Mr Colliers Navall Officers Bond for performance &ca

Know all men by these Presents that wee Thomas Collier Henry Jowles Esqr and Francis Collier are holden and firmly bound unto his Excy Francis Nicholson Esqr his Mats Capt Genll & Chief Governr of this Province in the full & Just sume of one thousand pounds of Lawfull Money of England to be paid to the said Francis Nicholson Esqr his Exrs Admrs or assigns to the which payment well and truly to be made Wee bind ourselves & either of us by himself our & either of our heirs Exrs and Admrs Joyntly & Severally, for the whole and in the whole firmly by these presents Witness our hands and Seales this 22th day of August Annoq Domi: 1695

The Condition of the aboue Written Obligation is such that whereas his Excy Francis Nicholson Esqr afd hath Commissionated & appointed the said Thomas Collier to be Navall Officer for the port of William Stadt & Riding Surveyor within all the Limitts & precincts of the five Counties Lying on the eastern shore wthin the said Province by his Comission bearing equall Date with these presents, now if the said Thomas Collier shall well & truly perform his Duty in the managmt of the two said Offices according to the Laws of England, And shall observe the severall Acts of Assembly of this Province and the directions set down in two Certain proclamations issued, the one bearing date the 17th day of August instant touching the trade of Pensilvania & the other bearing date the 20th of the said Month relating to the gage of Tobacco hhds &ca And from time to time Save Defend and keep harmless the said Francis Nicholson Esqr from all Damage Loss & Charges that he the said Francis Nicholson Esqr shall sustain at any time by Reason of the said Colliers non performance of his said Offices (so long as he shall enjoy the same) as in the said Severall Laws is Enacted and Ordained and in the said Proclamations is set forth, Then the aboue Obligation to be void and of none Effect otherwise to be and Remain in full force and Vertue.

Sealed and Delivered by the s[d] Hen: Jowles Lib. H. D.
in the presence of Tho: Collier [Seale]
Tho. Grunwin Hen: Jowles [Seale]
Hen Denton

& Sealed & delivered by the
other two persons in p[r]sence of
Hen Denton
Stephen Blatchford

Mr Watkins Navall Officers Bond &c[a]

Maryland ss

Know all men by these p[r]sents that we Samuel Watkins of the Province of Maryland Gentl. and Robert Smith & Robert Mason Esq[r] are holden and firmly bound unto his Ex[ncy] Francis Nicholson Esq[r] his Ma[ts] Cap[t] Gen[ll] and Chief Govern[r] of this Province in the full and Just Sum̄e of one thousand pounds of Lawfull Money of England to be paid to the said Francis Nicholson Esq[r] his Ex[rs] Adm[rs] or assigns to the which paym[t] well & truly to be made wee bind ourselves & either of us by himselfe our and either of our heirs Ex[rs] & Adm[rs] Joyntly and Severally, for the whole & in the whole firmly by these presents Witness our hands and Seales this 20[th] day of August Annoq Domi: 1695 p. 218

The Condition of the aboue written Obligation is such that whereas his Ex[ncy] Francis Nicholson Esq[r] afd hath Com̄issionated and appointed the said Samuell Watkins to be Navall Officer for the District of Petuxant River w[th]in the said Province by his Com̄ission bearing equall Date w[th] these presents Now if the said Sam[ll] Watkins shall well and truly perform the said Office according to the severall Acts of Parliam[t] in that Case made and provided and shall Observe the directions contained in the Acts of Assembly of this Province relating to the Duty of Navall Officers & from time to time Save defend & keep harmless the said Francis Nicholson Esq[r] from all Damage loss or charges that he the said Francis Nicholson Esq[r] shall sustain at any time by reason of the said Watkins non performance of his said Office (so long as he shall enjoy the same) as in the said Severall Laws is Enacted & ordained then the aboue Obligation to be Void & of none Effect otherwise to be & remaine in full force & Vertue.

Sealed and Delivered in S Watkins [Seale]
the presence of Robert Smith [Seale]
Jo[n] Hammond Rob[t] Mason [Seale]
Rich[d] Hill

July the 1[st] 1695.

Presented unto his Ex[ncy] by Severall Masters & Comand[rs] of Ships the following petition Viz[t] p. 219

Lib. H. D. Peticōn of severall Mastrs & Comandrs of Ships to his Excy praying a Comicon for Capt Bradly to be their Commadore &ca

To his Excy Francis Nicholson Esqr Capt Genll and Governr in Chief of their Mats Province of Maryland.

The humble Petition of Severall Masters and Comanders of Ships now Riding at Anchor wth their Vessells at the Mouth of Petuxant River

Humbly Sheweth

That whereas your Petrs being left behind wthout any Convoy and being very desirous to sayle from hence to England in some regular Method & manner and to be invested wth some power Offensive & Defensive, do become humble Suitors unto your Excy that you will favourably be pleased to Grant them such Comission accordingly & that Capt Danll Bradly may therein be appointed & constituted their Comadore for to give them such Sailing Orders and Instructions as in such case is Usuall; And Your petrs as in Duty bound

Shall ever pray &ca

Barthol Watts
Tho. Emmes
Jer. Deeble
Samll Phillips Jun
Joseph Scotting
Tho. Withington
ffrancs Harbin
Robert Duck
Will: Penn
Robert Stevenson
Daniel Watts
Richard Bass
Henry Munday

Order upon the aboue petition &ca

his Excy was pleased to Order the said peticōn to be Endorsed as follows Vizt By his Excy the Governr &ca July the 1st 1695.

The Contents of the wthin peticon prayed for appearing to be for their Mats imediate Service; Ordered that Comission issue to Capt Danll Bradley, at the joynt consent & request of the Subscribers thereto according as they have prayed

Signed p Ordr Hen Denton Clk Concil

Maryland ss. Lib. H. D.

Capt Bradlys Comission for being Commadore

Francis Nicholson Esq^r^ Capt Gen^ll^ & Govern^r^ in Chief in & over their Ma^ts^ Province & Territory of Maryland in America To Capt Daniell Bradley Comander of the Ship Joseph of London Greeting p. 220

Whereas severall Masters and Comanders of Ships now Riding at Anchor w^th^ their Vessells at the Mouth of Petuxant River within this Province have by their humble petition this day set forth unto me that being left behind w^thout any Convoy they therefore desire some power might be granted unto you the said Capt Dan^ll^ Bradley in the nature of Comadore to Comand the rest of the said Ships left behind & give such Sayling Ord^rs^ & Instructions for the safe conveying of the said Ships as in such Case is Usuall and being ready & Willing to gratify the said Masters request, it appearing for their Ma^ts^ Service, have therefore (by Virtue of their Ma^ts^ Royall Comission unto me the said Francis Nicholson Esq^r^ (under the Broad Seal of England Granted bearing Date the 10^th^ day of ffeb^ry^ Anno 1693) for the Governm^t^ of their Province of Maryland afd) thought fit for the reasons afd to constitute & appoint you the aforenamed Capt Dan^ll^ Bradley (having especiall trust & Confidence in your Loyalty, Courage, Care, Conduct & circumspection) to Comand and Convoy for England all such Ships & Vessells as being now left behind shall freely consent to Come under your Convoy, by virtue of this Comission granted unto you, Giveing & Granting unto you the said Daniell Bradley hereby full power & Authority to Encounter fight burn & destroy; as also to apprehend Seize & take any their Ma^ts^ Enemies in your Voyage home for England, as likewise give such Sayling Orders & Instructions to the severall Masters under your said Convoy as by the said Mast^rs^ & you the said Daniell Bradley shall (before your departure from this Province) be agreed upon, And that you generally Act & do in all things for the Service of their Ma^ts^ & good of this ffleet committed unto your Charge as fully and Amply as any Commadore ought or should do; Provided you Surcease this power & Authority at all time & times as you shall happen to come under the protection or in the Company of any of their Ma^ts^ Men of Warr during this Voyage, at the end whereof this Comission shall Cease; Given under my hand and Seal this first day of July in the Seaventh year of their Ma^ts^ Reign &^ca^ Annoq Domi: 1695. Fr: Nicholson.

An Account of the Powder according to Division of the same made October the 9^th^ 1694, together with an Account of what Barrells were deducted vpon blowing vp the Chancellors house, Viz^t^ p. 221

Lib. H. D. Division of the Gunpowder &ca

	Barrells	
To Charles County	10	Rec[d] as p Receipt appears.
To Baltemore County	10.1:	deducted & 9 lodged at M[r] Harpers &[ca]
To Cæcill County	8: 1:	deducted & 7 deliver'd to Coll Hermans Ord[r] by John Evans.
To Kent County	3	Lodged at Mattapany as p Receipt
To Talbot County	7: 1:	deducted & 6 Rec[d] as p Receipt
To Dorchester County	5:	Received as p Receipt
To Somerset County	6: 2:	deducted & 4 Rec[d] as p Receipt
To S[t] Maries County	6: 2:	deducted & 4 delivered to Coll Cood by John Evans
To Calvert County	9: 1:	deducted & 8 lodged at Jos: Edloes as p Rec[t]
To Ann Arrund[ll] County	9: 1:	deducted & 8: lodged at Mattapany as p Receipt

Barrells divided 73 (9 forced to be deducted being lost by fire.)

A List of the Armes which were blowne vp in the Chancelo[rs] house at S[t] Maries & afterwards being pickt vp were (by Ord[r]) sent to M[r] Harpers at petuxant, in Order to be by M[r] Plater convey'd for England, were by mistake carryed thence in Coll Thomas's Boat with the powder of th[t] County Viz[t]

List of broken Arms found after the blowing vp of the Chancelo[rs] house

Thirty Eight Musket barrells whole.
Ten Musket Barrells whole, with their Locks & part of the stocks.
ffour Barrells broken.
One Barrell & part of the Lock & stock.
One other Barrell with part of the lock & but end of the stock gone.
Eleaven but ends of stocks with locks on them.
One peice of stock with part of the Lock.
ffive but ends & one stock a little broken.
Eight whole Locks.
Three plates for the but Ends of the stocks.

The above Account of the broken Armes was (in the State house at S[t] Maries) taken by me

Hen: Denton Cl Concil

By the Com^rs for Executing the Office of Lord High Admiralty of England Ireland &^ca Lib. H. D.

The Lords of the Admiralty's Power to Govern^r Nicholson &^ca

By Vertue of the Power and Authority to Us given; Wee doe hereby Impower You, to Appoint a Judge, Register and Marshall, of the Vice Admiralty of Maryland, nothwithstanding any former Ord^rs to the Contrary, Dated at the Admiralty Office this 2^d of October 1695

J. Lowther
H. Preiceman
Rob^t Austin

To Colonel Nicholson
Govern^r of Maryland

By Comand of the Com^rs
W^m Bridgeman

At a Councill held at the Port of Annapolis the third day of October, in the Seaventh year of his Majesties Reign &^ca Annoq Domini, 1695 p. 222

Present

His Excellency ffrancis Nicholson Esq^r Cap^t Gen^ll &^ca

Coll Nich^o Greenberry
The hono^ble Coll John Addison
Coll John Courts

Thomas Brook Esq^r
James ffrisby Esq^r

Ord^r touching Seizure of M^r Smiths Sloop

Produced and read a Letter received by his Ex^ncy from Henry Denton Dep^ty Collector of the Port of Annapolis touching his seizure of a Sloop Called the Robert & Ann belonging to M^r Robert Smith of Chester River; Ordered that the s^d Letter & other papers relating thereto be Referred to be consulted by M^r Attorney & Sollicit^r Generall, and that the said Sloop be brought to Tryall & proceeded against pursuant to the directions of the Law in that case. Whitehall

October the 4^th 1695

The Councill again Sate & were present as Yesterday with the Addition of the hono^ble Coll Charles Hutchins & Coll David Brown Whitehall

County Clks &^ca to appear & swear to the ffines &^ca

Ordered that the County Clerks & Clerks of the Indictm^ts come and appear before his Ex^ncy in Councill this night or to morrow morning to make Oath to the severall ffines passed in the County Courts of this Province pursuant to the Ord^r of Councill in August last, And that M^r Attorney & Sollicito^r Gen^ll prepare an Oath against that time, proper to be taken by the s^d County Clerks and Clerks of the Indictments. Whitehall

Lib. H. D.

October the 5th 1695

The Councill again Sate & were

Present

Whitehall His Excellency ffrancis Nicholson Esqr Capt Genll &ca

p. 223
Coll Henry Jowles
The honoble Coll Nicho Greenberry
Coll Charles Hutchins
Coll David Brown
Coll John Addison
Coll John Courts
Thomas Brook Esqr
James ffrisby Esqr

Clk of Calvert Co: Court swears to List of ffines

Came John Elzey Clerk of Calvert County Court & made Oath to a List of ffines by him presented to the Board to be a true Copy from off the Record of that County Court.

Oath to be taken by Clk of the Indictmts prsented to the Board

Whitehall

Came Capt William Dent his Majesties Sollicitor Genll and presented to the Board an Oath drawn vp to be Administred to the Clerks of the Indictmts pursuant to the Ordr of this Board yesterday passed, withall saying that as to an Oath to be given the County Clerks, there is no need of it, by reason they take an an Oath for the due Execution of their Office vpon their admission.

The Oath follows, Vizt

Whitehall Clerk of the Indictments Oath

You shall well & truly Execute & perform the Office of his Majesties Clerk of the Indictmts for prosecutor of his Majesties pleas in County Court according to the jurisdiction of the Court You shall not decrease or lessen his Mats Dues, by any ffines, fforfietures or other legall means accruing, but to the Utmost of your skill and power do his Mats service therein. You shall not be of Councill or give Councill with any agt his Majesty or whereby his Dues or profits may be lessened or diminished, but in all things according to the best of your skill & power well and truly serve his said Majesty in the sd Office while you shall continue therein, and to see all Criminalls duly prosecuted

So help you God.

Read a Petition preferred by James Crawford of Calvert County as follows, Vizt

James Crawfords pet for Comission of Delegates

To his Excncy ffrancis Nicholson Esqr Capt Genll of Maryland in Councill.

The humble Petition of James Crawford Humbly Sheweth

That whereas your Petition[r] is Agrieved with a sentence of the Commissary Generall of this Province in a difference before him depending between your Petitioner the former Adm[r] of John Abington deceased and George Lingan the present Adm[r] of the said Abington wherein your petition[r] conceives to have great wrong & injustice done him did therefore in due time Enter his Appeal from the said sentence, but in reguard of your Ex[ncies] absence could not procure a Commission to a Court of Delegates to Examin the said sentence sooner. Lib. H. D. p. 224

He therefore humbly prays your Ex[ncy] & hono[rs] to Grant a Commission to such persons as in your discretion you shall think proper, to be when & where you will please to Order

And you Pet[r] as in duty bound shall ever pray &c[a]

Commission for a Court of Delegates Ordered

It being Argued & Represented that a Commission of Review will lye if in case the parties should not rest satisfyed with the sentence or Judgm[t] of a Court of Delegates; it is therefore thought convenient that ffour of the youngest of his Ma[ts] hono[ble] Councill with three of the justices of the provinciall Court be joyned in Commission; And therevpon Ordered that a Commission issue to constitute a Court of Delegates accordingly hereby nominating & appointing the hono[ble] Coll John Addison, Coll John Courts, Thomas Brook Esq[r] James ffrisby Esq[r] ffour of his Ma[ts] hono[ble] Councill and the hono[ble] Maj[r] John Hamond Cap[t] Richard Hill & Cap[t] Thomas Tasker, three of the Justices of the provinciall Court to be a Court of Delegates as afores[d] who are to meet at the Port of Annapolis Saturday next by two of the Clock in the afternoon, & that Notice be given accordingly, and that Henry Denton be Clerk or Regist[r] of the s[d] Court.

October the 9[th] 1695.

His Excellency acquaints the Board, that vpon a petition here p[r]ferred by James Crauford, praying for a Court of Delegates &c[a] The s[d] Commission was (pursuant to Ord[r]) prepared & brought for his Ex[ncies] signing & passing the Broad Seal; And whereas the hono[ble] James ffrisby Esq[r] being one of the Commission[rs] therein appointed, refusing to take the Oaths, vrging that he had taken the Oaths before, therefore desired to be left out of that Commission; His Excellency demands what is to be done therein; Wherevpon the matter being by the Gentlemen of the Councill fully debated & consulted, they make answer that seeing it appears that M[r] ffrisby has out of scruple of conscience refused to take the Oaths, having taken them before, they are therefore of Opinion that another of the Councill be put into the said Commission in his p. 225

Lib. H. D. stead; And therevpon Ordered that the honoble Coll David Brown be inserted therein accordingly; which accordingly was done and prepared a new & was signed by his Excy & passed the Broad Seal of the Province, the Teno^r whereof runs as follows, Viz^t

Maryland ss:

Court of Delegates Commission William the third by the grace of God King of England, Scotland, ffrance & Ireland Defender of the ffaith &ca To Coll David Brown, Coll John Addison, Coll John Courts' Thomas Brook Esq^r Maj^r John Hamond, Cap^t Richard Hill & Cap^t Thomas Tasker Greeting Whereas complaint hath to Us been made by James Crawford of Calvert County Gentl. that he is Agrieved with a sentence of the Commissary Genll of our said province in a difference before him depending between the s^d James Crawford former Adm^r of John Abington deceased & George Lingan of the afores^d County the present Administrator of the said Abington, conceiving great wrong & injustice done him by the sentence afores^d did therefore Enter his Appeal from the s^d sentence in due form of Law, as to us hath been set forth & made appear, praying our speciall Commission might issue to constitute such and so many persons, as We should think fit (in the nature of a Court of Delegates) to Examin the said sentence &c^a And We being willing that speedy Justice should be done therein & a suitable relief granted pursuant to the directions of the Law in that case, have therefore assigned, constituted, Ordained & appointed And by these presents We do constitute Ordain & appoint you the said Coll David Brown, Coll John Addison, Coll John Courts, Thomas Brook Esq^r Maj^r John Hamond, Cap^t Richard Hill & Cap^t Thomas Tasker or any five or more of you (whereof you the s^d Coll David Brown or Coll John Addison to be always one) our Commissionrs especially to inquire to, Examin, heare & determin the premises, And to that end you are to meet in some convenient house at our port of Annapolis, on the twelfth day of this instant October by two of the Clock in the afternoon, and there to call & cause to come before you as well the said
p. 226 Complainant James Crawford as also George Lingan aforenamed and all other persons therein any wayes concerned, And you are further likewise hereby Empowered as also Required to command a full Transcript of all the Proceedings had & taken in our Commissary Genlls Office in and about the premises, and his Sentence thereon given to be thither transmitted vnder the hand & Seal of our said Commissary and there laid before you that the Complainant may make such

exceptions to the same as he shall think fit & convenient, and Lib. H. D.
the severall Allegations, testimonies & proofs on both sides being strictly heard and Examined, and the matter duly maturely & deliberately weighed and considered, you are to pass & give your Judgm^{t} doom & determination therein according to Law & Justice & the best of your skill & vnderstanding, as also to taxe all Cost & Charges thereon accruing hereby Empowering you to Adjourn the said Court from day to day or from time to time vntill the s^{d} matter by you the said Commission^{rs} shall be fully determined, And to the end a true & fair Record may be kept of your proceedings herein, We have thought fit to nominate & appoint, and We do hereby Nominate & appoint Henry Denton Gentl to be your Clerk or Register to Receive, take & Enter on his Journall the Sum̄e & Substance of what shall be done & acted by you in the execution of the power & Authority hereby given & granted you, a fair Copy whereof attested vnder the hand & Seal of your said Clerk you are to transmitt Unto Vs in our high Court of Chancery with all convenient speed; Given vnder the Great Seal of our said Province the Ninth day of October in the Seaventh year of our Reign &c^{a} Annoq Domini 1695 Witness our trusty & Well beloved ffrancis Nicholson Esq^{r} Cap^{t} Gen^{ll} & Govern^{r} in Chief in & over our said province & (Territory of Maryland.) ffr. Nicholson

On the back of the above Comission
was thus written, Viz^{t}

William the third by the Grace of God, of England, Scotland, ffrance & Ireland King Defender of the ffaith &c^{a} to Cap^{t} Richard Hill & Cap^{t} Thomas Tasker Gentl Greeting These are to Authorize you or either of you to Administer vnto Coll David Brown & Coll John Addison or either of them the Oaths appointed by Act of Parliam^{t} to be taken instead of the Oaths of Allegiance & Supremacy as also an Oath of Commission^{r}, for this purpose to be framed And the s^{d} Oaths being as afores^{d} Administred & taken, you the said Coll David Brown & Coll John Addison or either of you are to Administer the s^{d} aforementioned Oaths to the rest of the Commission^{rs}: within named and to the Clerk for which this p. 227
shall be your sufficient Warrant: Given vnder the Great Seal of our said Province this Ninth day of October in the Seaventh year of our Reign &c^{a} Annoq Domini 1695 Witness our trusty & well beloved ffrancis Nicholson Esq Cap^{t} Gen^{ll} & Govern^{r} in Chief in & over our said Province & Territory of Maryland

ffr: Nicholson

Lib. H. D.

October the 17th 1695.

Lawyers consulted touching Jurisdiction of a Court of Delegates

Whitehall

His Excellency having sent for the severall Lawyers in Town to consult them concerning the Jurisdiction of a Court of Delegates whether the said Court have not a parallell Jurisdiction with the Govern[r] & Councill for hearing Appeals & Writs of Error, Viz[t] in the obligation of their either affirming or reversing the sentence of the Commissary Generall, or whether they can affirm one part of the sentence and let alone another, and whether they may make a Judgm[t] of their own.

And accordingly appeared M[r] Attorney & Sollicitor Gen[ll] M[r] Cheseldyn, M[r] Carvile, M[r] Carroll, M[r] Clarke, and the Case being stated vnto them, and after some debate & consultation of the matter, they desire to consult their Books before they give any positive Opinion therein; therevpon his Ex[ncy] in his Ma[ts] name did Command & Ord[r] that for the service of his Majesty & future good of the Countrey they would Return each of them their Opinion vnder their hand of the true State of the same, what the Law says in that Case.

Lawyers Opinion touching Judges Dissents Entring &c[a]

Whitehall

His Excellency further puts to them if in case any Judge Enters his Dissent to the Judgm[t] of the rest of the Judges sitting in Judgm[t] with him, whether such Judge dissenting shall not therevpon give or shew some Reason for such his Dissent, & whether the same should be Entred in the Record or not, who are Unanimously of Opinion that any Judge may Enter his Dissent without shewing any Reason, and that such Dissent ought to be Enter'd in the Clerks Minute Book fair writ out, but not in the Record, And therevpon Ordered that the same Rule be observed in all & singular the Courts of Justice within this Province, and that the Clerks of the said Courts be constantly obliged to fair write out every Courts Minutes to be safely kept among the rest of the Record Books, it being adjudged by the Lawyers here that the same will be of very great vse in severall respects.

p. 228

The Opinions of the severall Attorneys on the aforegoing Case are as follows, Viz[t].

To his Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] & Govern[r] of Maryland &c[a]

M[r] Dents Opinion touching the Jurisdiction of a Court of Delegates

I have not since your Ex[ncy] commanded my Attendance seen the question you were pleased to state last night, but if I mistake not it was, what the power & Authority of a Court of Delegates in this Province is what their Jurisdiction is, and by what

Rules of Law they are to proceed vpon any Appeal from the Commissary Gen[lls] Sentence. Lib. H. D.

I have had no Books to consult, but the Statutes of England & the Acts of Assembly of this Province, and have had very small time to consult them, having been the most of this day either in the House of Burgesses or on a Committee, but by what I can at present collect out of them, this is my Opinion upon the Matter.

1: that as to their Power & Authority, it is exprest & limited in the Commission which I conceive they are guided & limited by, because they are not Nominated either by the Statute of 24[th] of Henry the 8[th] nor by the Act of Assembly for the Act directs the Appeal to be made to the Govern[r] who in this province is Chief Judge in all Causes both of Law & Equity And he Empowers the Delegates; And powers & Authorities are to be strictly observed and that power I take to be their Bounds.

2: As to their Jurisdiction (with respect to their Commission) I vnderstand it to be extended to the Sentence of the Commissary Generall vpon which the Appeal is made and therein they are Judges of the same matters & things that the Commissary was Judge of contained in that Record for the Act saith that the persons so appointed shall hear & determine the matter &c[a] therefore I conceive they are the Judges of it and wherein they find the Commissaries Sentence good they may affirm it in theirs and wherein they find [it] naught alter it and adjudge as the matter in Law & equity appears to them.

3: By what Rules of Law they are to proceed I am not so well satisfyed as I would be, but by considering what they may not do it may be collected what they may do And it p. 229
appears beyond dispute with me that they cannot proceed by the Rules of the Common Law first because the Proceedings comes not from a Comon Law Court, 2[dly] because they are to hear & determin the whole matter and it is to be finall which the Court of Common Law cannot do; for a Superiour Court in Common Law cannot hear & determine the whole Cause nor is their Judgm[t] finall vnless vnder the limitations of the Act of Assembly but they can only Examin the Judgm[t] of the Court whether agreeable to Law or not and to confirm or Reverse it but as to the ffact have nothing to do And I find th[t] the Chancellor in a common course of Equity cannot meddle with it but I conceive the Reason to be because of the Statute of the 24[th] of King Henry which confirms testamentary Causes &c[a] to others and prescribes Rules & Methods for Appeals where injury is done But still I perceive those Judges in those matters of which they have cognizance by the said Statute proceed in a course of Equity grounded on the comon

Lib. H. D. & Civill Law for with submission to better Judgm^{ts} I take the Cannons to them to be as the Statutes to the Judges of Comon Law, and the Civill seperate from the Cannon to be to them as the Common Law to the others, And this at present is the Opinion of Yo^{r} Ex^{ncies} weak but obedient Servant

Octob^{r} 18th 1695. Will^{m} Dent.

Maryland ss.

Mr Carrolls Opinion touching the Jurisdiction of a Court of Delegates.

In obedience to your Ex^{ncies} Ord^{r} commanding my Opinion to be delivered to your Ex^{ncy} vpon certain Queries put to severall Gentlemen professing the study of the Law in this Province I do humbly Offer as to the first.

That Whereas your Excell puts the Question what the Jurisdiction of a Court of Delegates is I humbly Offer th^{t} the shortness of time given by your Ex^{ncy} to answer the question being but one day does not allow me leizure to give your Ex^{ncy} such satisfaction therein as perhaps vpon further time, maturer deliberation and more strict Examination then the shortness of the present time will permit I might be able to do, but how-

p. 230 ever my obedience is such that I will rather Rune, the Risque of mistaking in point of Memory in my reading then disobeying your Ex^{ncies} Commands, wherefore as to the Question In the first place I make a distinction between a Court of Delegates as the constitution of this Province stands and a Court of Delegates absolutely to be Governed by the Civill Law, Common Law & Statute Law of England, because that some Acts of Assembly of this Province do according to our constitution alter some matters relating to Causes cognizable by a Court of Delegates, as particularly the Act for preservation of Orphans Estates, but in generall I am of Opinion that the Jurisdiction of a Court of Delegates in this Province extends to Examin the justness of any sentence given by the Comissary Generall in any cause belonging to his Jurisdiction, which I look vpon only to be matters testamentary and Letters relating to Adm^{rcons} as passing of Accounts, the justness of the Article thereof the Division of intestates Estates, Right of Adm^{rcon} &c^{a} But by a Court of Delegates in England not only the afores^{d} Matters are cognoscible but likewise Matters Matrimoniall, matters relating to Tythes matters of spiritual defamation, beating of Clerks &c^{a} so that the Jurisdiction of such a Court in this province is in a great measure abridged by our constitution from what it is in England.

2^{dly} As to the 2^{d} Quere, Viz^{t} whether there does not lye an Obligacon vpon the Court of Delegates of either affirming or reversing the Commissaries Sentence, as in case of Appeals

to the Govern^{r} & Councill I answer that in my Opinion there Lib. H. D.
is no one parity between an Appeal from the provinciall Court
to the Govern^{r} & Councill & from the Commissary Generall
to a Court of Delegates for that the former is most strictly
tyed vp to the Errors arising out of the Record, without con-
sideration at all of the merit of the matter in question, whereas
vpon the latter they are not only Errors in meere point of
Law & arising out of the Record that are to be called in
question, but likewise the merit of the whole matter wherein
& wherevpon the Sentence of the Commissary was given.

3^{dly} As to the third Quere, whether a Court of Delegates
vpon Appeal from the Commissary on a sentence by him given
may affirm one part of the Sentence & disallow of another.
I am of Opinion that where the sentence consists of severall
parts differing one from another in point of substance as for
Example it may be for Revoking of former Letters of Adm^{rcon}
& of the disallowance of severall Articles of an Account p. 231
exhibited into the Commissaries Office by the former Adm^{r} &
of paying Costs which may perhaps be exorbitant that then
& in such case vpon an Appeal before a Court of Delegates,
the said Court may seperate such part of the Sentence as they
think just from such part thereof as they in their Judgm^{ts} &
according to their skill in the Laws think vnjust, and give
their Sentence vpon the whole matter

Which may it please your Ex^{ncy} considering the shortness
of the time & want of books is as much as at present can be
presumed to be Offered by

Yo^{r} Ex^{ncies} most humble
& most obedient Servant
Charles Carroll

Mr Phil Clarkes Opinion touching the Jurisdiction of a Court of Delegates.

In obedience to your Ex^{ncies} Commands in Councill concerning the Jurisdiction of a Court of Delegates, and whether they are not obliged to affirm or Reverse the Sentence of the Comissary brought before them or whether they can Reverse one part & affirm the other or whether they can make a Judgm^{t} of their own.

In answer thereto I do humbly conceive that whatsoever doth not properly lye afore the Commissary doth not lye afore them for tho a Court of Delegates is a Superiour Court yet cannot take cognizance of any matter that doth not lye in the Commissaries Court and that as to their Jurisdiction it is the same and no difference, only that a Court of Delegates is a Superiour Court.

That as to the Commissaries Court I do humbly conceive it to be a mixt Court and that the Commissary is obliged to

Lib. H. D. observe & give Judgm[t] according to the severall Acts of Assembly relating to his Office, he is likewise to follow & observe the Civill Law where there is no Maxim of the Common Law or Statute Law against it; And in any case where
p. 232 the Civill Law or Statutes are silent there he ought to give Judgm[t] according to Equity & good conscience provided the same is not against any Law as afores[d] and tho the Judge is bound to take Notice of the Law as afores[d] in giving his Decree or sentence yet cannot he trye any matter that is properly cognoscible in his Ma[ts] Courts of Common Law.

That as to a Court of Delegates in Examining a Sentence of the Commissary they either ought to Affirm it or Reverse it, ffor I do humbly conceive there is a difference when a person brings his prohibition to stop some part of the Commissaries sentence in a matter that doth not properly lye afore him, there a destroying part of a Judgm[t] doth not destroy the whole because each Court can go no further than their own Jurisdiction but where a person Appeals from the sentence of a Commissary he Appeals from the whole sentence to a Court of the same Jurisdiction, which ought either to affirm or Reverse the s[d] Sentence and can give no other Judgm[t]

All which is humbly submitted to yo[r] Excell

by Yo[r] most humble & obedient

Servant

Philip Clarke.

M[r] Goldesboroughs Opinion touching the Jurisdiction of a Court of Delegates

In obedience to your Excell Commands to know what the Jurisdiction of a Court of Delegates is and whether there does not lye an Obligation on them of either affirming or reversing the Commissaries Sentence &c[a] Or whether they can affirm one part of the sentence & let alone another part, and whether they may make a Judgm[t] of their own. I Answer That the Jurisdiction of the Court of Delegates is an Ecclesiasticall Jurisdiction, and is of the same nature of the Court of the Bishop or Arch Bishop, that they are a Superiour Court, in as much as they do Examin the sentence which is given in the Ecclesiasticall Court whether it be well given or not.

2: They are obliged either to Affirm or Reverse the sentence given in the Court of the Bishop or Arch Bishop And they cannot divide the Sentence because that they are to Judge vpon the whole, whether good or bad, well given or ill given and to give Judgm[t] accordingly.

3: They cannot make any other Judgm[t] of their own than whether the first sentence be good or bad, because there is not
p. 233 any new Matter to be laid before them; but the whole matter

& thing that they have to deale withall is the Record of the first Sentence, This I do humbly offer to yo^{r} Ex^{ncy} as my Opinion Lib. H. D.

R Gouldesborough

I am of the same Opinion

Ro: Carvile

To his Ex^{ncy} ffrancis Nicholson Esq^{r} Cap^{t} Gen^{ll} & Govern^{r} in Chief of Maryland.

Mr Platers Opinion touching the Jurisdiction of a Court of Delegates

In obedience to your Ex^{ncies} Commands I have pervsed your Excell proposalls relating to the Jurisdiction of the Court of Delegates and in answer thereto do humbly conceive that the Court of Delegates doe sit by Virtue of a Commission vnder the great Seal in an Appeal from a Sentence given in any Ecclesiasticall Court, as also when Sentence is given in the Admiralty Court in Suits Civill & Marine by the Ord^{r} of the Civill Law, which said Court of Delegates have full power to hear & Examin into the sentence of the Judge of such Court from whence such Appeal shall be brought before them and the same either to confirm or set aside & make Void, and not to make Void one part & confirm the other for that I humbly conceive that the Sentence of the Judge of the Ecclesiasticall Court ought not to be destroyed in one part & confirmed in the other no more than a Jugm^{t} at Common Law vpon a Writ of Error, which if in one part allowed Vicious the whole Judgm^{t} is destroy'd, all which is humbly submitted to [yo^{r} Ex^{ncy}] by

Yo^{r} Ex^{ncies}

Most obedient servant

George Plater

I am of the same Opinion

S. Watkins

Munday October the 7th 1695

Coll Wells Excuse for not appearing to serve in the prov^{ll} Commission &c^{a}

The Councill again Sate & were p^{r}sent as on Saturday. p. 238 Whitehall

Produced & Read a Letter from Coll George Wells vnto his Ex^{ncy} directed, Dated 28th of September last past, therein giving an Acco^{t} of his great sickness wherewith he has been & still is afflicted and therefore desires the same may be Esteemed excuse sufficient for not appearing according to the Ord^{r} of the Councill in August last. Ordered that the said Letter be laid before the Justices of the Provinciall Court for their cognizance. Whitehall

Lib. H. D. October the 17th 1695

The Return of the Justices of the Provinciall Court vpon the aforegoing Letter was produced & Read as follows, Vizt This Court admits of the Excuse of Coll George Wells to be sufficient for not coming to serve as a Commissionr of this Court for the Reasons therein contained.

Hen: Wriothesley Clk

Whitehall

Mr Boothby & Mr Jno Stone Ordered to be aded to the provll Comission

Coll George Wells of Baltemore County being Excused (by Reason of his great infirmities of Body from serving in the Provinciall Commission); Mr Edward Boothby is therefore appointed in his stead; And Mr William Hatton living in Prince Georges County will occasion the want of a Provinciall Justice in Charles County, Mr John Stone is therefore appointed to be aded to the sd Provinciall Commission.

Whitehall

Tho: Smith sworn Clk of Indictmts of Bal. Co: Court

Came Mr Thomas Smith Clerk of the Indictmts of Baltemore County Court who had administred vnto him in Councill the Oaths appointed by Act of Parliamt to be taken instead of the Oaths of Allegiance & Supremacy as also the Oath of Clerk of the Indictmts before Recited.

Whitehall

Mr Hedge Clk makes Oath to List of ffines

Mr Thomas Hedge Clerk of the sd County Court came & made Oath to the ffines passed in the sd Court according to a List thereof presented.

Clk of Indictmts of Kent Co: Court sworn

Came Mathew Errickson Clerk of the Indictmts of Kent County Court, who was sworn as before.

Whitehall

Clk of Cæcill Co: Court makes Oath to List of ffines

Came Charles Bass Clerk of Cæcill County Court, who made Oath to a List of ffines passed in that Court.

p. 239

Jacob Young & Wm York appointed to keepe fferry &ca at Susquehanna

Whitehall

Came & appeared in Councill Jacob Young & William York living vpon Susquehanna River, and it being proposed to them in Councill the keeping a fferry & Ordinary vpon each side the sd River, William York on this side the River & Jacob Young on the other side for which is settled vpon them, One shilling six pence for the passage of a horse & Man and One shilling for a ffootman, to which they both Agreed; his Excncy giving them caution duly to observe the Acts of Assembly touching conveying persons over that River; Ordered that the Justices of the County Courts where they live grant them Lycense accordingly, they giving Bond as the Law in that Case directs.

Clk of Kent Co: Court makes Oath to ffines

Came Symon Wilmore Clerk of Kent County Court, who made Oath to the ffines passed in that Court. Lib. H. D. Whitehall

Clk of A: A: Co: Court makes Oath to ffines

Came Christopher Vernon Clerk of Ann Arrundell County Court who made Oath to the ffines passed in that Court. Whitehall

Whitehall Tuseday October the 8th 1695.

The Councill again Sate & were present as Yesterday.

Clk of So: Co: Court makes Oath to ffines

Came Mr John West Clerk of Somerset County Court, who made Oath to the ffines passed in that Court according to a List of the same this day here presented. Whitehall

Clk of Indictmts of So: Co: Court sworn

Came Mr Peter Dent Clerk of the Indictmts of the sd Court & was sworn accordingly.

Whitehall

Vpon Motion made vnto his Excellency by Wm ffuller of Carolina Son & heir of William ffuller late of Severn River within this Province decd praying that a certain testimoniall by him brought & produced vnto his Excncy signifying his being lawfull Son & heir of the afores^d William ffuller decd might be Entred vpon Record;

Ordered that the same be Entred accordingly in the Councill Book & Provinciall Office, the which follows in these Words Vizt

Carolina.

Mr William ffullers Testimoniall &ca

The honoble Joseph Blake Esqr Landgrave & Governr of all that part of the province of Carolina that lyes South & West of Cape ffeare

To all to whom these prsents shall or may concern or to whom the same shall come to be seen or read sendeth Greeting.

Know Yee that on the day of the Date hereof personally p. 240 came & appeared before me Mrs. Elizabeth Cattell Aged fforty years or thereabouts, being one of the daughters of Capt William ffuller of this Province deceased & made Oath that she does know William ffuller the Bearer hereof aged twenty two years to be the Son & heir of the sd Capt William ffuller who lived on Rich Neck on Severn River in Maryland, In Testimony whereof I have herevnto Set my hand & caused the

Lib. H. D. publick Seal of the province to be herevnto affixed this tenth day of July in the Seaventh year of the Reign of our Soveraign Lord W^m^ by the Grace of God, of England, Scotland, ffrance Merjant & Ireland King defender of the ffaith &c^a^ Annoq Domini 1695 Joseph Blake

Signed & Sealed in the p^r^sence of W^m^ Porter Sam^ll^ Gunn John Mascrot { Seal of the Province }

Produced & Read a Letter by his Excellency Rec^d^ from Cap^t^ Harry Beverley of the Colony of Virginia, which follows in these Words; Viz^t^

May it please your Excell

Capt Beverleys Lre to his Ex^ncy^ touching Capt Hill &c^a^

It has pleased his Ex^ncy^ the Govern^r^ of Virginia to imploy me to Cruise on that Coast for the prevention of illegall Traders, and it being my Chance to meet with a ship that is now Arrived in Seavern River, did intend to have Examined here, but she passing Us and refusing (after two Gvns fired ahead of her) to pay any obedience to his Ma^ts^ Colours, I ran vp along their side with our Sloop & Commanded them to strike Sayl, or I would fire into them; they cursed & said if I offered it they would sinke me immediately & make me an example to all the Rogues in the World, appearing with their small Arms & preparing their great Guns; Wherevpon I fired into them, w^ch^ caused them to lower their top Gallant Sayls, but would not brace too their head Sayles to let me come on Board; the next Morning it being less Wind I went to go on Board with our Boat, but coming along their side they appeared twenty or thirty of them with drawn swords, giving me a great many abusive
p. 241 Words & Swore We should not come on Board.

And last thursday, May it please yo^r^ Ex^ncy^ I Arrived here in hopes to have acquainted your Ex^ncy^ with what had passed, but being informed that your Ex^ncy^ would not Return before the begining of October, I went to Cap^t^ Hill who told me he had Enter'd the Ship & would not shew me any papers. I desired th^t^ there might be a course taken with the Master, he said he knew not who he was, but his Children were concerned & he would stand vp for them, I went then to Coll Greenbury's who said he could do nothing in it, I must go to your Ex^ncy^ and hearing that your Ex^ncy^ would cross the head of the Bay at Sassafras River, I have been there, but cannot have the oportunity to pay my Duty to your Ex^ncy^ therefore have presumed to acquaint your Ex^ncy^ with the reason of my coming here in writing, and desire that your Ex^ncy^ would take

it into consideration that his Ma^ts^ Honour & intrest may be preserved and he shall ever pray who will always be yo^r^ Ex^ncies^ Lib. H. D.

Seavern September the 4^th^ 1695.

Most dutyfull & most Obedient Servant
Harry Beverley

Ordered that as well Cap^t^ Richard Hill sen^r^ as Cap^t^ Rich^d^ Hill jun^r^ give Answer to the s^d^ Letter in Writing what they have to say, and that the same be laid before this Board accordingly

October the 9^th^ 1695

Produced & Read pursuant to Ord^r^ as above the two following Answers to the aforementioned Letter, Viz^t^

To his Ex^ncy^ ffrancis Nicholson Esq^r^ Cap^t^
Generall & Govern^r^ in chief of his Ma^ts^ province
of Maryland.

Cap^t^ R^d^ Hill Sen^r^ Answer &c^a^

Having Received your Ex^ncies^ Commands to make answer to some Reflections made vpon me by Cap^t^ Harry Beverley in humble obedience thereto I Return this.

About the latter end of August last a Gentleman vnknown to me came to my house, which I humbly conceive was this Cap^t^ Harry Beverley having with him three Men all whom I p. 242 treated very civilly, but the Captain in a very great passion told me he had been very highly affronted by the Men belonging to the ship then in the Harbour & commanded me to send my Warrant for the Master of the ship & put him in Irons, I demanded what Offence he had committed, he told me high Treason & Rebellion, I desired to know the Nature of the Offence, he said he would not strike to the Kings Colours till he fired into him, I told him I was not well acquainted with things of that nature but by Vertue of my Office as I was one of his Ma^ts^ Justices of the peace, if he could make appear to me that any person belonging to that ship had done anything in contempt of his Ma^ts^ Authority or by any means acted against his Ma^ts^ intrest I would speedily take a course with him or them, even if it were my own Children; Wherevpon I sent for my two sons and asked the Cap^t^ if either of them had affronted him, he Answered he could not Charge them directly, I further told him that both the ship and my Sons would be here a considerable time, & would answer what he should at at any time charge them withall; but as to the shot he made at them I would give what was vsuall, with that I presented him with near a quarter of fat beefe which he accepted of, then

Lib. H. D. he demanded the pervsall of my Books of Entry of ships, I told him I was not obliged to any such thing, then he desired pen, Inke & paper & wrote a large Declaration & called his Men to hear it Read and then asked them what they thought of it, one of them swore he thought it would all come to nothing soon after which he very civilly tooke leave & went away: much more discourse passed but this is chiefly what occurs to my memory all which I humbly submit to your Excell & am

Yo^{r} Ex^{ncies} most obedient Serv^{t}
at all Commands Richard Hill

May it please your Ex^{ncy}

Capt Richard Hill junr &ca Answer In obedience of whose Commands I humbly answer the Letter your Excell received from Harry Beverley wherein I am falsely accused (as I hope will more at large appear) vnto your Ex^{ncy} by what doth here Ensue, which the Major part of our ships company can affirm.

ffirst he informs your Ex^{ncy} that I refused to strike, I did not Refuse, but at that time was so farr distance (that though I
p. 243 heard his guns) could not distinguish what Colours he had; as he came neare I discerned & was satisfyed he bore his Ma^{ts} Colours; Wherevpon I immediately reverenced the same (not as Beverly observes because of his third Gun, though shot through our Sayl) but to discharge my Duty. Before it was darke the Sloop came alongst our side, hail'd Us & commanded Us to bring to, which I modestly denyed (without cursing & vsing such language as is related vnto your Ex^{ncy}) because of the danger that then our ship was in, Night coming on with a fresh Southerly Wind, & We then vpon the sholes of Tangier Isles. That our Men appeared with more small Arms than at other times I deny, And as for our great Guns, it is customary for Us to have them always in the like readiness, especiall when chaced: That next Morning when Cap^{t} Beverly pretended to come on Board I did not resist his coming either with Swords or Swearing; what drawn swords there was, were no more than vsuall for our own safety, not to scare our Countrey men; besides his pretence there is apparently false in it self, for We had neither thirty nor Twenty Men, nor swords; not else but humbly intreating your Ex^{ncies} pardon for the rudeness of my style, withall hoping your Ex^{ncy} will be graciously pleased to take into consideration where the abuse lyes, is the Petition of

Yo^{r} Excell most dutifull
& ever obedient Servant
October the 9th 1695. Richard Hill Jun^{r}

October the 18th 1695 Lib. H. D.

Then came before his Excy in Councill the above named Capt Richard Hill junr pursuant to an Ordr of this Board of the 9th of Octobr instant & brought Benjamin Halstead his first Mate, Edward Dorsey second Mate, John Newall Boatswain, Edward Sampson Gunner & three Saylers; Whereupon Capt Beverleys Letter together with the said Hills answer thereto being Read, the said Officers & Sailers do say & affirm that the sd Answer of Richard Hill their Master is truth & nothing but the truth.

Wednesday October the 9th 1695.

The Councill again Sate & were present as Yesterday, p. 244

except the honoble Coll Henry Jowles.

Vpon Motion of the honoble Coll John Courts the following Letter was Ordered to be Entred, Vizt.

Boston 2d September, 1695.

Mr John Courts, Sr.

Lre from Jno Boreland. I Received yours of the 14th August & have observed the contents thereof for answer know that Henry Hill Master of the Briganteen ffriendship Arrived safe at New Castle some time in August last as I vnderstand, being chaced into the North of Scotland by a ffrench privateer before that where he was forced to lye three Weeks or upwards, not daring to come out; I have not yet had a Line from himself, neither his Wife nor Mr Bridghom, but have had severall from my Correspondents about him, one from Mr John Hill Merchant in London that he had accepted his Bills from New Castle for 250l Money for paymt their Mats Duties &ca after he had Cleared at New Castle he went from thence to Hull & there lay waiting for Convoy to Holland while the latter end of November or begining of December so that it was December before he got to Holland where he lay all Winter froze vp in the Ice. About Eight dayes ago Arrived a ship from London, brings advice that he was at Dover clearing and vnderstand he was come from thence to the Isle of Weight to wait for Convoy which expected to Sayle about three Weeks after they came away so that expect he may be here some time this Month or next and hope he will bring his Certificate with him for Clearing the Bond, he is greatly to blame for not taking care to send it you p way of London & also for not writing to his Owners. I am with Mr Bridghom concerned in a Vessell designed to Potomock River

Lib. H. D. or petuxant; the Master of this Vessell see M^r^ Hill at New Castle & the Tobacco taken out, being M^r^ Hills Mate then & was taken sick of the small poxe there & left when the Vessell went for Hull; so that he is able to make Oath concerning the truth of what I have writ of vnloading at New
p. 245 Castle; if this be not satisfactory the hono^ble^ the Commission^rs^ of his Ma^ts^ Customs at London will I hope Certify the truth of the Vessells clearing at New Castle so that you need not in the least feare any thing about your Bond, S^r^ I thanke you for your kindness to M^r^ Hill therein and if I can serve you or yours here shall be ready as the needfull offers with tender respects from S^r^ Yo^r^ ffriend & Servant
John Borland

The s^d^ Letter was thus directed
Viz^t^ To John Courts Esq^r^ at
Charles County in Maryland
These
p Post from Boston.

Clk of Indictm^ts^ of Cæcill Co: Court sworn

Whitehall Came M^r^ Richard Smith Clerk of the Indictm^ts^ of Cæcill County Court and was sworn accordingly.

Esq^r^ Tench Motion for dismission &c^a^ Ord^r^ thereon

Came The hono^ble^ Thomas Tench Esq^r^ one of his Ma^ts^ hono^ble^ Councill of this Province who humbly Moved his Ex^ncy^ & the Board that having severall Matters depending at Law as Adm^r^ of Govern^r^
Whitehall Copley dec^d^ especially a considerable Sume demanded to be due from the s^d^ Estate to his Ma^ty^ as also being concern'd in severall other Business of his own does therefore pray leave of his Ex^ncy^ & the Board that he may be at present dismissed from attending his Ma^ts^ Service vpon Councills vntill he shall have disburthen'd himself of those incumbrances; withall acquainting his Ex^ncy^ that (God willing) he intends for England the next ffleet in the Spring of the year through his Ex^ncies^ permission, as soon as he had settled his Business, which was accordingly Granted him.

October the 15^th^ 1695.

The Councill again Sate & were present as before.

Maj^r^ Edw^d^ Dorsey Empowered to keepe the Broad Seal in the absence of Coll Jowles

Whitehall Vpon Representation, Ordered that the hono^ble^ Coll Henry Jowles Keeper of the Broad Seal of the province do for the future lodge the Broad Seal with Maj^r^ Edward Dorsey one of the Commissioners in Chancery, by him to be kept in the absence of Coll Jowles and applyed to such instrum^ts^ as the s^d^

Coll Jowles by Law ought to do, hereby likewise Empowering the s^d^ Maj^r^ Dorsey for to sign all Instruments in the absence of Coll Jowles, proper for the Keeper to sign to. Produced & Read a Proclamation forbidding the Exportation of Corn, being prepared at the Request of the Burgesses of the House of Assembly &c^a^ & was signed by his Ex^ncy^ & passed the Broad Seal of the province; the said Proclamation follows in these Words, Viz^t^ Lib. H. D. p. 246 Whitehall

By his Ex^ncy^ the Cap^t^ Generall.

A

Proclamation

Proclamation agt Exportation of Corn &c^a^

Maryland ss. Whereas it hath been Represented vnto me that through the vnseasonableness of the late Summer & this fall will be occasioned small quantities of Corn to be made within the severall Counties of this province; And forasmuch as it is also given out that the generality of the people have already spent their Crops of Wheat, out of meere necessity drove thereto, for want of Indian Corn, become scarce throughout the whole Province by means of the excessive sharpness of the last Winter season, being launcht out in such abundance for the support of the inhabitants stocks of Cattell & hoggs; therefore to prevent the Exportation of any Indian Corn or English grain during this likelyhood of Scarcity, I have (by & with the advice of his Ma^ts^ hono^ble^ Councill, as also at the Speciall instance & request of the Worshipfull the House of Burgesses in Assembly now convened) thought fit for the Reasons afores^d^ to publish & proclame, and I do hereby accordingly strictly Order & Command that no person whatsoever inhabitant or otherwise within this province do (after the publication hereof) presume to Carry or load on Board any Ship, Sloop, Shallop, boat, Canoe, or other bottom, any Indian Corn, Wheat or English grain, with intent to Export the same, and that no Master or Owner of any such Ship, Sloop, Shallop, boat, Canoe or other bottom Receive or take on Board their s^d^ Vessells, any Indian Corn, Wheat or English grain as afords^d^ with any intent other than to transport the same from one place to another for the Supply of the inhabitants within this province & for their necessary support in their Voyage, vnder pain & perill of the parties (therein found offending) being prosecuted according to the vtmost severity of the Law for contempt; And to the end due notice hereof may be given I do further strictly charge & Command the severall Sherriffs of the Province to make Proclamation hereof in the most publick & convenient places within their respective Counties, to which all persons are Whitehall p. 247

Lib. H. D. hereby Required to yield all due & ready obedience, vnder the pain & penalties aforementioned; Given at the Port of Annapolis, vnder the Broad Seal of the Province this 15th day of October, in the 7th year of his Mats Reign &ca Annoq Domini, 1695 ffr. Nicholson

October the 18th 1695

The Councill again Sate & were prsent as before.

Mr Layfield Collectr of Pocomoke makes Oath to his Collection of the 1d p lb

Came George Layfield Esqr his Mats Collector of Pocomoke District who made Oath to his Collection of the 1d p pound within the sd District.

Whitehall

Produced & Read a proclamation touching persons inticed out of the Province &ca being prepared at the request of the Gentlemen of the House of Burgesses &ca and was signed by his Excncy & passed the Broad Seal of the Province, the tenour whereof follows in these Words, Vizt

By his Excncy the Capt Generall

A

Maryland ss. Proclamation

Proclamation touching persons inticed out of the province

Whereas by general complaint it hath been signifyed, as also evidently made appear vnto me how that severall persons inhabitants of this province have been induced to remove out of the same with their Wives & families, some to the Southward and some to the Northward; Vizt Carolina & Pensilvania, being meerly deceived & led into such fancy through a common empty rumour & report of the great plenty those two places live in, which Reports are raised by persons travelling from those parts, but the Effects of such fallacious Reports, it is well known, diverse persons have by sad experience Tryed, some returning again from the same in a poor condition, and others willing to return if they could, but are not able, having sold their Estates here, and by their removall spent or lost most of all their substance, whereby they have incapacitated themselves to make any Return; And forasmuch as it hath been made manifest how that severall other persons have been perswaded & terrifyed out of this Province through a vain & giddy headed notion & noise of great & heavy Taxes of a hogshead or more a head, whereas the same appears to be a frivolous idle complaint, not but that the Leavies are something large through Arrears ever since the Revolution, but hope in God will be now satisfyed this year, so that the Leavies will become as easy & light as formerly; however the aforegoing Matters

Whitehall

p. 248

tending to the great disturbance of the peace & quiet of his Lib. H. D.
Ma^ts^ good people here, I have (for prevention of the same as near as may be for the future) thought fit (by & with the advice of his Ma^ts^ hono^ble^ Councill & at the Speciall instance & request of the Worshipfull the house of Burgesses in Assembly now sitting) to publish & declare, And I do hereby accordingly publish, proclame & declare that any person or persons hereafter coming from those parts of Carolina or Pensilvania aforementioned, and are or shall be discovered to intice away or Encourage his Ma^ts^ Liege people & inhabitants of this province to remove hence by or through means of the Specious large Character by them given of those parts from whence they come, such persons shall be lyable (vpon complaint of the same made & proved before a Justice of the peace) to be committed to prison & answer the Law as a Common disturber of the peace or divulger of false News &c^a^ And any person or persons bringing an evill Report vpon the Countrey by maliciously & falsely spreading abroad a noise of great Taxes &c^a^ shall in like manner vpon due proof of the same made as afores^d^ be lyable to be committed & prosecuted as afores^d^ And I do hereby further publish & declare that this proclamation is not any wayes intended to debarr or hinder any person or persons whatsoever from removing out of the Province themselves or families to any Port or place they shall p. 249
best like or fancy; it is notwithstanding hereby advized that all such persons do well consider what they are going about least they come to be sorry for their change when it may prove too late; And to the end all persons may have due notice hereof, I do hereby strictly Charge & Command the severall Sherriffs of the province to make proclamation hereof in all publick places & Meetings within their respective Counties, to which all persons are to yield due & ready obedience as they & every of them will answer the contrary at their perill; Given at the Port of Annapolis vnder the Broad Seal of the province this 18^th^ day of October in the 7^th^ year of his Ma^ts^ Reign &c^a^ Annoq Domini 1695

ffr. Nicholson

October the 19^th^ 1695

The Councill again Sate & were all present except Coll Addison

Clk of Cha: Co: Court makes Oath to List of ffines &c^a^

Came Cleybourn Lomax Clerk of Charles County Court & made Oath to the ffines passed in that County Court to this day.

Lib. H. D. Whitehall

Vestry's Ordered to Return Copyes of their proceedings

Ordered that the Vestry's of the severall parishes within this province who have hitherto neglected to make Return of their proceedings vnto this Board and to observe & punctually comply with the severall matters & things contained in the severall Orders
Whitehall issued touching or concerning tke s[d] Vestry's, that such Vestry's immediately cause a transcript of all their Proceedings forthwith to be fair writ out & sealed vp & the same so written & sealed to deliver to the Sheriff of the County where they live & inhabite, hereby obliging the Sheriffs to get the same (vpon delivery thereof) transmitted to the Clerk of the Councills Office at the Port of Annapolis by the first safe conveyance or by the last Tuseday of ffeb[ry] next, at farthest, vnder pain of the parties (therein any wayes failing) being proceeded against for contempt; And the Sheriffs of the prov-
p. 250 ince are hereby further obliged to serve this Ord[r] vpon all & singular the Vestrymen of the severall parishes within their respective Counties to the end want of notice may not be pleaded.

Clk of Indictmts not sworn Order'd to be summoned

Ordered that the Sheriff of S[t] Maries, Ann Arrundell, Calvert, Charles, Talbot & Dorchest[r] Counties Summon the Clerk of the Indictm[ts] of the said severall County Courts; as also that the Sheriff of S[t] Maries, Dorchest[r] & Talbot Counties Summon the Clerks
Whitehall of the s[d] Courts that they & every of them be & appear before his Ex[ncy] in Councill on the last tuseday in ffeb[ry] next; the Clerks of the Indictments in Order to be sworn, and the Clerks of the County Courts in Order to make Oath to the severall ffines passed in their s[d] Courts, and that they bring Lists of the same with them.

County Justices Ordered to Return an Acco[t] of business being perfected &c[a]

Ordered that the Commissioners of the severall County Courts within this Province return an Acco[t] vnder the hand of their Clerk, whether the Business in their severall Courts depending has been fully
Whitehall compleated, pursuant to former Order of this Board, hereby obliging the severall Sheriffs to publish this Ord[r] in open Court.

Colonels of the ffrontiers Ordered to have the Militia, alwaies in a Readiness

Ordered that the severall Colonels of the Counties living nearest to the ffrontiers of this province; Viz[t] the hono[ble] Coll Henry Jowles, Coll Nicholas Greenberry, Coll John Addison, Coll Casparus Herman & Coll John Thomas have alwayes in a readiness
Whitehall (vpon occasion) the Militia train Bands of the respective Troops and Companies vnder their Command.

Taken into consideration the giving an Answer to his Ex^ncy Lib. H. D.
the Govern^r of New Yorks last Letter hither sent, bearing
Date the 30^th of August past, as also to another by his Ex^ncy Whitehall
Rec^d from the honor^ble his Ma^ts Councill of that Province,
Dated 9^th of September after, which said Letters together
with certain Indian propositions inclosed were afore read in
Council & laid before the House of Burgesses for their con-
sideration & Run in these following Words, Viz^t

Govern^r of New York's Lre for Assistance &c^a

New York, August the 30^th 1695

S^r

Yo^r Excell Letter by M^r Tasker came hither the
27^th instant which I yesterday laid before the Councill,
who were of Opinion (the necessities of the Governm^t being so p. 251
great) that the Bills by him offered should be Received, tho
the assistance they give holds no proportion with that
Required by her late Ma^ts Royall Letter nor the present Whitehall
necessities of this province.

It does not seem reasonable that 1198 Men should be appointed by the Crown for the Colonies & provinces vpon the Main for the defence & assistance of this Province (which in truth is the safety of all the rest) without Arms, Ammunition, Officers pay & other incidents, the want of those would render them useless, the Charge for one year amounts to £30000 a sume not to be supplyed here, the burthen of it would make the inhabitants quit their dwellings (which too many here have already done by reason of the charge of the Warr which has lain so heavy vpon this province some years past) the ffrench are very diligent, and both by force & fraud Endeavour to divert & debauch the ffive Nations of Indians from their fidelity to the English; the keeping them firm does not cost this province less yearly than £2000 and in this New York has the least concern, being setled in Towns and so more capable of defence.

By my last advice the ffrench are resetling Cadaracqui which had I force sufficient might easily be prevented; how prejudiciall to his Ma^ts intrest and dangerous to his Subjects in those parts the ffrench advances on the back of these Colonies will prove every rationall man acquainted with their scituation must be extreme sensible of

His Majesty has been pleased to Entrust me with the directions of the Quota's of Men or other assistance appointed; and as to Maryland so to the other Colonies, I have applyed for their full Quota's at different times, and shall take care the assistance come proportionably and do again apply my self to your Ex^ncy for your Quota, I am S^r Yo^r Excell humble Serv^t

Govern^r Nicholson
Maryland

Ben: ffletcher

Lib. H. D. New York the 9th of Septembr 1695.

p. 252 Councill of New Yorks Letter to his Excell. Sr

His Excellency our Governr having Received the inclosed Propositions set out for Albany on the seaventh instant & left directions to transmit a Copy thereof to your Exncy

Our Indians Call aloud for assistance and are Zealous to Whitehall have the ffrench removed from Cadaracqui, some small parties of ffrench have been met on this side the Lake and blows interchanged with small loss on either side, We are,

Yor Excies humble Servants

N Bayard — Chid Brook
Caleb Heathcote — W. Nicoll — ffrederick Philip
Maryland.

Propositions made by Tenn of the principall Sachims of the Mahages Country in the Court house of Albany the 28th day of August, 1695.

Present
Jno Abeel Mayor
Majr Weessells
Evert Bancker
Jacob Staats
Jan Janse Bleker
Albert Ryckenau

Brother Caijenquiragoe

Mahage Indians Propositions We are come to acquaint your Exncy with the Message directed to Us from the Upper Nations how things go there, We have sent you some of our young Indians before to have a Post ready that our propositions might be sent to your Excellency with all speed.

Brother Caijenquiragoe

The Governr of Canida hath alwayes desired to speake of peace with the ffive Nations and that he would come so farr as to Cadaracqui, but now We see it is a false design, for now We bring a token from the ffive Nations whereby We acquaint your Excell that it is certain that the Governr of Canida hath kindled his fire at Cadaracqui again and is busy to Repair the Walls; Now I speak from Dekanitsore Captain of the Onondages who desires the thirty Soldiers that were promised to him formerly to lye in Garrison at Onondage, do give a belt of Wampum, 16 deep.

Brother Caijenquiragoe.

p. 253 Our Covenant is so that We have continually concluded to assist one another vpon all occasions as We have shown this

Summer. It is your Excell directions that We should always Lib. H. D.
have our Eyes open vpon Cadaracqui that no body should make any settlem[t] there again, now the Govern[r] of Canida hath made his fire and is reparing the Walls there; Now Brother Caijenquiragoe, Give notice to New England & all the Brethren that are in Covenant with Us, and come vp with ffive hundred men & Cannon, and let Us go hand in hand to see what the Enemy do at Cadaracqui, and We will make our Canoes ready to assist you in carrying vp your Artillary over the carrying place, There is a party of thirty Onondages to spy & watch the motion of the Enemy the ffrench. do give a belt of Wampum 15 deep, one halfe for this Governm[t] & the other halfe for the Governm[t] of New England whereby they desire his Ex[ncy] to give notice to the Gent. in New England that the Onnogungoes are gone vp with the ffrench to Cadaracqui, and now there is a very good opportunity to do mischief in their parts by their Indians.

Brother Caijenquiragoe

The Message is come to our hands by the Upper Nations, We do now acquaint your Excell Caijenquiragoe therewith, desiring your Excell to see it forward & acquaint all the rest of our Brethren in our Covenant to put their hands to it as the Oneydes already have sent their Messingers to the Indians of the Southern parts called Rendoges & others that they must come to their assistance, do give a ffaddom Wampum.

Brother Caijenquiragoe

The Letter with the belt of Wampum that was brought vp this Spring by Sadehanatre & Dekanitsore was shown to all the ffive Nations, and was well accepted, give a ffaddom Wampum.

We asked further if there had been any party of the vpper Nations out, down the River Cadaracqui, they answered there had been 150 in company bound for Canida but met with a company of Wagenhaes, took tenn prisoners, the rest escaped p. 254
our Indians came back & burnt Nine of the prisoners.

A true Copy

David Jamison C of Concil.

The Answers to the two foregoing Letters follow in these Words, Viz[t],

Answer to his Ex[ncy] the Govern[r] of New Yorks Letter.

Port of Annapolis Octob[r] 19[th] 1695

S[r]

M[r] Tasker brought me your Ex[ncies] Letter of August the 30[th] and as soon as his Ma[ts] hono[ble] Councill were met, I communicated it to them, and it was Ordered to be laid before the house of Burgesses, And

Lib. H. D. We severall times prest it to the house, the Result whereof I have here inclosed sent, and according to the request of the Whitehall House have sent your Excell the Bills for 133^{lbs}: 8^{s}: 7^{d}: strl together with two Letters of advice about the same Bills to my Merchant to pay them. Your Excell has not been pleased to Answer that part of my Letter of the 17th of August past touching invading or being invaded, so that not knowing the certainty is one Reason that has occasioned the Assembly to Raise more Rangers for the security of our ffrontiers & to put the Militia in a more ready posture. As to what your Excell writes concerning Arms, Amunition, Officers pay & other incidents, I can say no more than what I have already. And I am very sorry that the Charge of the Warr has been so heavy vpon the province of New York; but I find that neither his Ma^{ts} hono^{ble} Councill nor the Burgesses of the House of Assembly are of Opinion that the province of New York is the safety of this.

As the ffrench are very diligent both by force & fraud in endeavouring to debauch the ffive Nations of Indians (vnder your Excell Comand) from their fidelity to the English, and also of their design of Endeavouring to resettle Cadaracqui, so it is not in the least to be doubted but that by your Ex^{ncies} Conduct & Courage they will be prevented of their designs so farr as it is possible; but as for sending your Ex^{ncy} men from this Province, the inclosed Resolves of the House will inform your Ex^{ncy} so hoping to heare some more good News from England of his Ma^{ts} further good success in his Con-
p. 255 quests both by Land & Sea, which if it comes to your Excellency, I shall take it as a great honour to have an Account of it, when I vnderstand your Excell has it not, the same shall be sent you by Yo^{r} Excell humble Servant

ffr: Nicholson

The Resolves of the House of Burgesses which were in the Whitehall above Letter inclosed, Viz^{t}.

At a Councill in Assembly held at the Port of Annapolis the 2^{d} day of October, 1695.

Present

His Excellency ffrancis Nicholson Esq^{r} Cap^{t} Gen^{ll} &c^{a}

Proceedings of the Councill & House of Burgesses wch were sent inclosed in a Letter to the Governr of New York.

Produced & Read a Letter from his Ex^{ncy} Coll Benjamin ffletcher Govern^{r} of New York vnto his Ex^{ncy} ffrancis Nicholson Esq^{r} Govern^{r} of this Province directed, bearing Date the 30th day of August Whitehall last past; Ordered that the same be laid before the House of Delegates & Burgesses for their consideration.

At a Council &c[a] October the 7[th] 1695. Lib. H. D.

New York Business again recommended to the House, and that they give some answer to the papers touching the same now lying before them (to wit) his Excell the Govern[r] of New Yorks Letter &c[a] and withall proposed that the House would make vp at least so much money in proportion as Virginia hath given towards the defence of that Governm[t]

By the House of Burgesses, Octob[r] the 7[th] 1695 Whitehall

Cap[t] Tasker one of the Members of the House p[r]sents his Excell Coll Benjamin ffletcher his Ma[ts] Govern[r] of New York's Letter sent from his Excell & his Ma[ts] hono[ble] Councill for the pervsall of this House which was read & Referred for further consideration vntill to Morrow Morning.

By the House of Burgesses, October 8[th] 1695. Whitehall

Vpon his Ex[ncies] recommendation to the House that they would consider of some means to comply with her late Ma[ts] Commands in relation to the affording assistance to New York; therevpon Resolved that his Majesty be further addressed, thereby remonstrating how vncapable We are of affording such assistance. p. 256

By his Excellency the Govern[r] &c[a] Octob[r] 10[th] 1695 Whitehall

Laid before the House a Letter of the hono[ble] the Councill of New York vnto his Excell sent & directed, Dated 9[th] of September last past, together with certain propositions of the ffive Nations of Indians in the s[d] Letter inclosed for the pervsall & consideration of the House.

By his Excellency the Govern[r] & Councill in Assembly. Whitehall
October the 14[th] 1695.

Vpon reading over severall Resolves of the House of Delegates & Burgesses in answer to severall Proposalls made to them from this Board, it is observed that they have given no answer to that part of a former proposall sent them relating to New York Affair, touching the making vp at least so much Money in proportion as Virginia hath given; therefore do propose that the Act for the additionall Duty of 3[d] p hogshead be continued for that purpose; His Excell being willing to advance Money vpon credit thereof, if wanting.

Lib. H. D. Whitehall

By the House of Burgesses, Octob^{r} 17th 1695.

The House taking into their serious consideration the severall Proposalls & Recommendations from his Excell the Govern^{r} & his Ma^{ts} hono^{ble} Councill relating to New York, do debate & Resolve thereon as followeth, Viz^{t} That Whereas vpon Receipt of her late Ma^{ts} Royall Commands althō this province was not worth the Money required either in banke or had any prospect of advancing the same; Yet rather than We would be any ways short therein, We attempted a thing of the greatest hazard by laying an Imposition of three pence p̄ hogshead after the greatest part of the ships were loaden which was so much more than our neighbouring Colony of Virginia imposed by which means the Merchants trading here are disgusted & induced to leave this province & trade in Virginia & other neighbouring Colonies & carry their Goods thither, by which means Trade will of necessity decay & faile
p. 257 here & thrive there, and that of course will induce all Men that are not fast Engaged here to leave this place & go there & thereby the province be depopulated & lye open to the heathen or to any other Enemy that think it worth their taking. After which put to the question in the House, if the Act for the Additionall Duty of 3^{d} p̄ hogshead on Tobacco exported shall be any further continued than this present year, and Resolved Unanimously that the same be no longer continued than till the Expiration of the s^{d} Act.

It is further considered by the House that this province is so scituated that the ffrontiers of it are the Road way by w^{ch} fforraign Indians pass from the Norward to Virginia & other southern plantations; And We have severall Nations of Indians among Us which have dayly correspondence with fforraign Indians whose motions we are forced to observe so that we are obliged to maintain severall parties of men in constant pay, as well for the discovery of the fforraign Indians passing as others, by which means this province is at great charge, but have thereby discovered, from whence those fforraign Indians come, where they inhabite & their distance from Us, and are sadly made acquainted that they are nearer to this province by at least three days March than they are to New York, And We have just reason to believe when they come to know our Weakness and that We have no ffortifications or places of strength, nay as yet scarce Arms for our small train bands they will be much rather induced to Attack Us than New York.

As to making vp the Quota of Money proposed, it is considered by the House that the greatest part of our substance consists of Cattell, hogs & Tobacco, And since it hath pleased God this last year by a hard Winter to cause such a mortality

of Cattell & hogs, it is modestly computed, the better half of what was in the province are dead; And this year by the vnseasonnableness of the summer we have scarce made half Crops of Tobacco & little better of Corn, by which means this province is mightily impoverished; As for the raising of Men, the very noise & alarm thereof has already had such fatall consequence in affrighting the labouring ffreemen of this Province that by sad Experience Wee find our selves this present year decreased above 400 & odd Taxables to the great lessening of his Ma^ts^ Revenue & damage of this Prov^r^ince, And if the Men should be actually Raised, it would occasion the greatest part of the ffreemen within this province to desert it & leave the Countrey altogether vndefended & an open pray to the Enemy who are much nearer to Us than New York; And altho such Men were raised, this Province is not in any capacity of paying or equipping them forth with Arms &c^a^ for that the publick Revenue thereof is very small, and his Lordship the Lord Baltemore hath above halfe thereof so that of necessity the forces so raised must be paid by an equall assessm^t^ vpon the Taxables of this province and the same will amount to the third part of their Estates; As for Arms & Ammunition, We are altogether destitute thereof, not having sufficient for our small train bands, nor can We procure any vntill such time as those shall Arrive, which his Ex^ncy^ our present Govern^r^ hath sent for from England Nevertheless it is Unanimously Resolved by this House that if his Ex^ncy^ will be pleased to advance so much Money for the assistance of New York, as with what We have already transmitted thither, will make vp our Quota proportionable to our Neighbouring Colony of Virginia, being 133^lbs^ 08^s^ 07^d^ the House do hereby Resolve he shall be gratefully refunded the same out of the first money accruing to this Province, out of the publick Revenue thereof. Lib. H. D. p. 258

W Bladen Clk Assembly

The Gentlemen of the Councills Letter to the hono^ble^ his Ma^ts^ Councill of New York, is as follows, Viz^t^ Whitehall

Port of Annapolis, Octob^r^ 19^th^ 1695.

The Gentlemen of the Councills Letter to the Councill of New York Governmt

Gentlemen

There was laid before Us by our Govern^r^ a Letter of yours of the 9^th^ of September past, the which was sent down to the House of Burgesses: His Excellency our Govern^r^ has prest Us for assistance to New York, And We have caused the same to be put home severall times to the House of Burgesses & Delegates, but his Excell having been pleased to communicate to Us a Letter of his p. 259

Lib. H. D. which he was sending to his Excellency your Govern^{r} bearing the same Date with this, We therefore have no more to say but refer you to the same & rest

Gentl Yo^{r} humble Servants

Signed by the severall Gentlemen of the Councill that day present

Hen: Dentons Pet & Ordr for provll Amerciamts &ca

Vpon the Petition of Henry Denton (Clerk of his Ma^{ts} hono^{ble} Councill) being here presented & Read, therein setting forth some extraordinary Charge & trouble he had been at in preparing severall Copyes of the Journalls of the Councill and other matters for which he had received no allowance; therefore humbly prayed that the Provinciall Amerciam^{ts} due since November Court last to this time (being in the guift of his Ex^{ncy} & Councill) might be bestowed vpon him, which was accordingly granted him and Ordered that Lists of the same with Executions thereto be given him for the better collection thereof

Maryland ss.

Arnant Lahanne's pass from his Ex^{ncy}

ffrancis Nicholson Esq Cap^{t} Gen^{ll} & Govern^{r} in Chief in & over his Ma^{ts} Province & Territory of Maryland & Vice Admirall of the same.

To all to whom this p^{r}sent Writing shall come Greeting.

These are to Certify that Arnaut Lahanne, the Bearer hereof a ffrench Man & Doctor or Chirurgeon of the Pink John of Bordeaux in the Kingdom of ffrance Peter Rivier Commander was taken & brought a prisoner into this province in the s^{d} ship by Cap^{t} John Hurle Commander of the ship Providence of London, being a Letter of Marque Man And after some
p. 260 short time of Residence here he shipped himself on Board a certain Vessell called the Hope of Maryland (whereof Richard Hill is Master or Commander) for Guinea; from whence haveing returned again into this Province in the s^{d} vessell, he has now shipped himself on Board a certain Briganteen called the ffisher of Maryland, whereof Thomas ffrancis is Master, being bound from hence to Barbadoes, with design (as he informs me) to get to Martinico in Ord^{r} to procure his passage for ffrance, for which he is to apply himself to his Ex^{ncy} the Govern^{r} of Barbadoes so soon as he shall arrive there; Given vnder my hand & Seal this 11th day of October, in the Seaventh year of his Ma^{ts} Reign, Annoq Domini, 1695.

ffr. Nicholson

Brief Instructions to the severall Sherriffs of the Province, what sort of Returns to make vpon Proclamations & Ord^{rs} of Councill &c^{a} issued. Lib. H. D.

Instructions to the Sherriffs &c^{a}

1: If any Proclamation is sent you, you are to signify in short that you have published or caused to be published (in such & such places within your County) such a proclamation touching such a thing bearing such a Date which s^{d} proclamation you shall (after publication) either keepe or rather deliver the same vnto the Clerk of the County Court for to Enter vpon Record, by reason all persons may have Resort thereto vpon occasion.

2: If any Ord^{r} of Councill comes to you commanding you to do any Matter whatsoever, make Return in a piece of paper that by Vertue of an Ord^{r} of Councill, of such a Date, touching such a thing you have done so & so, pursuant to the subject matter the same treats off or Commands; let it be what it will; and in all these cases you are not required to Return the Ord^{rs} themselves back again for they are all Enter'd in the Office here, and may be of speciall vse to be kept by you for satisfaction of persons therein any wayes concern'd.

3: You are Required to make a distinct Return to every Ord^{r} of Councill & Proclamation in a seperate piece of paper by it self; to the end the Returns of the severall Sherriffs touching every individuall Ord^{r} may be filed apart & so easily distinguished, what Sherriffs have made due Returns and who have not. p. 261

4: Let some Answer & Return be made to every Proclamation, Ord^{r} of Councill or other Matter sent you from that Board, whether the same be commanded or not, which will be a Vindication to you that such an order &c^{a} has been served or executed by you, if in case any person should happen to be prosecuted for contempt of the Same &c^{a}

5^{thly} You are Required (when you surrender vp your Sherriffs place to a succeeding Sherriff) for to deliver vp these Instructions among other Writings which by Indenture you are obliged by Law to do.

ffeb^{ry} 26th 1696

The information of Tho: Whitton of Cæcill County (touching Cornelius Comegys & Amos Nichols) taken before his Ex^{ncy} the Govern^{r} who then was pleased to Ord^{r} as it is hereby Ordered that the s^{d} Whitton Enter into Recognizance to prosecute &c^{a} vpon the s^{d} information, and th^{t} M^{r} Attorney Gen^{ll} make proceedings therein accordingly.

Signed p Ord^{r}
H Denton C of Concil

Lib. H. D.

Admiralty Office 24th October 1695.

p. 4 Mr Bridgmans Lre from the Admiralty Office to his Excy

Sr

The Lords Commissrs of the Admiralty having thought fitt to Empower you to appoint a Judge, Register, and Marshall of the Vice Admiralty of that province, I send you inclosed an Authority for the Same accordingly, and am

Sr Your most humble Servant

Colonel Nicholson Governr of Maryland

Wm Bridgeman

Comrs of the Customs Lre abt two Ships called the James & Elizabeth

Sr

Having Notice from our Agent in Scotland that there lately Sailed from thence the two Ships under mention'd loaden with the Goods of tht Countrey bound directly for Maryland We desire you will please to Cause Strict inquiry to be made after the sd Ships And to Ordr an Effectuall prosecution to be made both of them and their respective Loadings as Tradeing Contrary to the Laws of this Kingdom

We are,

Sr Yor very humble Servants

Robt. Southwell. C. Godolphin

Custom House Londo 26 October 1695.

P. Ward Robt Clayton

James, Hugh Cambel Mr Square Sterne 170 tons

Elizabeth, Robt Sincleare Mr 130 Tons

C G:

Governr of Maryland.

Comrs of the Customs Lre abt the Ship Providence.

Sr

Having Notice from our Agent in Scotland That an English built Pink burthen 110 Ton called the providence Jno Price Master is making Ready for a Voyage to the Plantations intending ffirst for Boston from thence to Maryland and So back to Scotland We desire you to Cause Dilligent Search and inquiry to be made after the sd Pink in Ordr to an Effectuall Prosecution both of her and the Loading, Whereof we Shall expect an Accot from you in Due time

We are,

Sr Yor very humble Servants

Walter Yonge Robt Southwell

Governr of Maryland.

Ja: Chadwicke C. Godolphin

p. 5 Comrs of the Customs Lre abt the Ship James & John of Maryland

Sr

Having Notice from our Agent in Scotland that there lately Sailed from thence a Vessell of 120 Tons Square Sterne called the James & John of Maryland

James Sincleare Jun^r^ Master bound directly thither We desire you will please to make inquiry after the s^d^ Vessell and if She Shall import any European Goods contrary to Law or shall be unduly Navigated That you Cause Seizure and prosecution to be made both of the s^d^ Vessell & loading in noe Case permitting her to Load any of Enumerated Commodities with you before the Master hath given Bond with a Responsible Security to to Carry the Same to England Wales or Berwick there to Land and put the Same on Shore (the Danger of the Seas only Excepted) in pursuance of the Act of Navigation. We remaine, Lib. H. D.

Custom House Lond^o^ 10 October 1695

S^r^ Yo^r^ very humble Servants
Walter Yonge } Rob^t^ Southwell
Ja: Chadwicke } C Godolphin

Govern^r^ Maryland.

Com^rs^ of the Customs L^re^ abt allowance to be given for the Collection of the penny pr pound for letting fall the Compt and Surveyrs place.

S^r^ p. 6

It was heretofore proposed by the Rector and Govern^rs^ of the Colledge of William and Mary in Virg^a^ That instead of Three ffourth parts Allowed to Our Officers both there and in Maryland for Collecting the Duty of a Penny ꝑ pound on Tobacco in their Respective Districts Twenty ꝑ Cent only might be allowed as Sufficient for them there being otherwise An Encouragem^t^ for their diligence in putting in Execution the Acts of Trade and Navigation by the third part of the forfeitures therein provided for them, And the Collectors in Virg^a^ being Content with this allowance of Twenty ꝑ Cent. We desire you will please to make the like Agreem^t^ and Settlement with our Collectors in Maryland for the Good and bennifitt of the s^d^ Colledge And whereas the Office of Comp^t^ and Surveyo^r^ of the penny ꝑ per pound in Maryland is thought needless Since the Governo^rs^ of the Colledge are willing of themselves to Audit the Acco^ts^ of the Said Collecto^rs^ We Agree That the Same be let fall like as hath been done in Virg^a^ and the proffits of the Office Saved to the Colledge desireing you to Signifye the Same to the p^r^sent Comp^t^ & Survey^r^ with the Offer of the next Sutable Collecto^rs^ place that shall become Voy'd in Maryland.

Upon Consideration of the Reasons Offered to Us against Sending this Duty for England We thought it needless That Such part thereof as Should be Actually paid down in Money should be remitted hither And did therefore Agree That it should be kept in Virginia and Applyed to the Uses of the Colledge We likewise Agree, That the Same Method be Observed in Maryland & if there Can be Good assureance had that the Tobacco taken in lieu of this Duty of one penny

Lib. H. D. p pound for want of Money to Answer and pay the Same Shall be really Shipt for England by the persons to whom it Shall be Sold, We shall Consent to the Selling thereof in the Countrey to the best Advantage rather then run the hazard of the Sea in the Importation of it hither And Sending back the produce thereof for the Colledges Acco^{t} in all which we shall not Doubt of your Ready Concurrence and Assistance within your Governm^{t} being for so good & pious Work and Answerable to his Ma^{ts} Royall ffavour & County in bestowing this
p. 7 Duty for the good of the s^{d} Colledge We are

S^{r} Yo^{r} very humble Servants

Custom House Lond^{o} 19 Decemb^{r} 1695 — Rob^{t} Clayton, Sam: Clarke, Walter Yonge, Rob^{t} Southwell, P: Ward

Govern^{r} Maryland.

William R

p. 1 His Mat^{s} L^{res} to his Ex^{ncy} abt assistance for New York

Trusty and Welbeloved we Greet You well; Whereas by Letters under our Royall Signett bearing date the 21th of Aug^{t} in the Sixth year of our Reign; Our will and pleasure was Signifyed to You that a Quota or Part of our Militia of our Province of Maryland under Yo^{r} Governm^{t} not Exceeding one hundred and Sixty men Should be the measure of the assistance to be given by our s^{d} Province for the Defence and Security of our Province of New York, which you were thereby Charged and Required at all times upon the application of our Govern^{r} or Commander in Cheif of our s^{d} Province of New York to provide and send to be under his Command and Direction for the Defence of our s^{d} province, and Whereas You have represented unto Us, that having in Obedience to our Commands recommended to the Care of the Gen^{ll} Assembly of our Province of Maryland, The providing a fitt Supply for this Service, they had alledged that the Inhabitants of our s^{d} Province being very poor by Reason of the Warr and the Lowe price of Tob^{o} with the daily apprehensions they are in of fforreign Indians; They are become uncapable of Affording such Assistance to New York, and had therefore humbly pray'd to be Excused from all Contributions of that nature, but that for the p^{r}sent, and till our pleasure herein should be better known they had appropriated the Sum̄e of Two hundred pounds to lye Ready for this Service, and have accordingly Empowered you to dispose thereof as there Shall be Occasion, We doe accordingly hereby Require & Direct you to apply the s^{d} Sum̄e of Two hundred Pounds appropriated by our Assembly of Maryland, as aforementioned towards the assistance of our province of New York against the ffrench and Indians in those parts,

upon the application of our Govern^{r} or Command^{r} in Cheif of New York, which s^{d} Sum̄e of two hundred pounds applyed towards the assistance of our s^{d} Province, We are pleased to declare, Shall be instead of the Quota or other assistance to be given by our s^{d} Province of Maryland towards the Defence and Security of our said province of New York untill upon further Consideration of this matter We Shall give other Directions herein: And for So Doing this Shall be your Warrant. Given at our Court at Kensington this Second day of Jan^{ry} 1696/5 In the Seventh year of our Reign. Lib. H. D.

By His Majesties Command.

Govern^{r} of Maryland ab^{t} Assistance for New York. } Shewsbury

W. R:

His Mats Letter to the Governr of New York abt the Quota of Virga and Maryland

Trusty and Welbeloved We Greet you well: Whereas upon your Representation, that notwithstanding Our Pleasure Signifyed to our Severall Colonies in the Northern parts of America that they should Agree upon a Quota of Men or other assistance to be given by them Respectively for the Defence of our Province of New York Some of the said Colonies having Omitted to Send Com^{rs} to adjust the Said Quota's, nothing had been done therein; The Severall Gov- p. 2
ern^{rs} of our s^{d} Colonies were directed to send the Respective Quota's of Men or other Assistance appointed by Us for the Defence & Security of our s^{d} Province; We declaring our pleasure that two hundred fforty Men of our Militia of our Colony of Virg^{a} and one hundred and Sixty men of our Militia of our Province of Maryland Should be the measure of the Assistance to be given by our s^{d} Colony and Province upon the application of our Govern^{r} or Commander in Cheif of our province of New York, and it having been Represented unto Us by our Respective Govern^{rs} of our Colonies of Virginia and Maryland that having in Obedience to our Commands herein recommended to the Care of the Generall Assembly's of our s^{d} Colony and province Respectively the providing fitt Supplys for the s^{d} Quota's they had Alledged that the Inhabitants being very poor by Reason of the Warr and the Lowe price of Tobacco, and the apprehensions of Forreign Indians putting the Countrey to Great Charges to Secure their ffrontiers, they are become incapable of affording any Assistance to New York And had humbly pray'd to be Excused from all Contribution of th^{t} Nature, But that for the Present the Respective Assembly's have appropriated the Sum̄e of ffive hundred Pounds for our Colony of Virginia and two hundred pounds for our Province of Maryland to Lye ready for the s^{d} Service

Lib. H. D. and have accordingly given Power to the Respective Governrs to apply the Same as there Shall be Occasion; We have thereupon Signifyed Our Will and Pleasure to our Trusty and well Beloved Sr Edmund Andros our Governr in Cheif of our Colony of Virginia; And to our Trusty and Welbeloved Francis Nicholson our Governr in Cheif of our Province of Maryland to dispose of the sd Severall Sumes of ffive hundred pounds and two hundred pounds respectively upon your application towards the Defence and Security of our Province of New York which sd Respective Sumes of ffive hundred pounds and two hundred Pounds We are pleased to declare shall be instead of the Quotas or other Assistance to be given by our sd Colony of Virginia & Province of Maryland towards the Defence and Security of our sd province of New York untill we shall Signifye our further Pleasure herein; Given at our Court of Kensington this Second day of Janry 1696/5 In the Seventh year of our Reign.

By his Majesties Command.

Governr of New York abt the Quotas of Virginia and Maryland } Shrewsbury

Whitehall the 10th of Janury '96/5

Gentlemen

Mr Poveys Lre to the Governor & Councill & Assembly of Maryland

I have Received by Sr Thomas Laurence the ffavour you were pleased to doe me by Your Letter of the 18th of Octobr for which and the good Sence You are pleased to Retain of my Services I cannot Omitt to Return a most Gratefull acknowledgemt and to assure you that to the Utmost of my Power I shall continue my Endeavours for the good of the province of Maryland and though I may not properly Appear as the publick Agent of the province Yet if my Care for the promoting the Publick Affair's of the Countrey and the procuring a Speedy Dispatch of them through the Severall Offices may be thought worthy Your acceptance, I shall Readily perform that part, Sr Thomas Laurence, who has indifefaticably Solicited the Affairs of the Province during his Stay here, will give you a perfect Accot of all things relating to the Severall matters transmitted from Maryland, Such of them as have met with Difficulties, So as to Remain undetermined Shall be dispatcht with all the Speed that may be, And as well in this as in all other matters relating to the publick Welfare of the province of Maryland I Shall Endeavour to approve my Self,

Gentlemen

Yor most ffaithfull & humble Servt

John Povey

Comrs of the Customs Lre to Geo: Plater Esq to see the Acts of Trade Vigorously prosecuted &ca

Lib. H. D. p. 8

Sr

We herewith send you a Coppy of a Letter which we have written to the Governrs of the Severall Plantations for your Information & Guidance in the Severall points therein Contained, being Occasioned cheifely by an Act lately passed in Scotland for Erecting a Company to Trade from thence to India Affrica and America; whereof we likewise Send you a Coppy with a Coppy of the Address from the Lords Spirituall and Temporall and Commons in Parliamt Assembled, to his Maty and his Majesties gracious answer thereto; By all which you will Observe the Danger threatning his Mats Plantations, and the Loss likely to Attend our Trade from this Act, if the Scotch should under Colour thereof, Settle themselves in Plantations in America, which yet we dont see how they Can, So as to Obtain any advantge thereby, but by the Contrivance and Corruption of our Officers, And therefore to prevent them in their Designs, as we have Excited the sd Governors to a Vigorous Execution of the Severall Laws made in England for the Security of our plantation trade, So we would Stirr you up thereunto; & doe Require from you a dilligent Observance of the sd Laws & the Ordrs and Instructions which you have Received in pursuance thereof, within your Station, having a more Especiall Eye and Reguard to such Ships and Vessells as may be any wayes suspected to Come from Scotl. or be bound thither, It being our Resolution to proceed agt Such of our Officers who Shall be Guilty in this Kind, with the Utmost Rigour and Severity.

We rest,

Your Loving ffriends
Ja: Chadwick ⎫ Robert Southwell
Sam: Clarke ⎭ P: Ward.

Custom House Londo
Janry 9th 1695.

Maryland.

Comrs of the Customs Lre to his Excy to see the Acts of Trade Vigorously prosecuted &ca

Sr

There having been an Act lately pass'd in Scotland for Erecting a Company to Trade from thence to India Affrica and America, wherein many Persons have Interested themselves by large Subscriptions, in Ordr to a Vigorous Carrying on the Trade to and from those parts wch in time may tend to Destroy the Trade and Navigation of England and Carry it to Scotland We did lately in Obedience to an Ordr of the Rt honrble the Lords Spirituall and Temporall in Parliamt Assembled, Lay before their Lordps in Writing what we Conceived the proper means to Remedy the inconveniences Arising by

Lib. H. D. the s^{d} Act; And their Lord^{ps} with the Commons in Parliam^{t} Assembled having in an Address Represented to his Ma^{ty} the great advantages thereby Granted to this Company and the Obstructions that this Act will unavoidabley bring to the
p. 9 Generall Trade of this Nation, and particularly that when the Scotch shall have Settled themselves in Plantations in America Our Comerce in Tobacco Sugar &^{ca} will be Utterly Lost for the Reasons therein mentioned; We doe herewith Send you Copy of the s^{d} Act, with Copies of our s^{d} Report & of this Address with his Ma^{ts} most gracious Answer to the s^{d} Address, as the best means to Awaken and Excite you to a Vigorous Execution of the Severall Laws made in England for the Security of the Plantation Trade and making this Kingdom the Staple both of the Commodities of the Plantations and the Commodities of other Countreys and places for the Supply of the s^{d} Plantations; And as we hope That the s^{d} Laws and the Ord^{rs} & Instructions which from time to time We have Given in pursuance thereof to the Severall Officers Imployed under Us within your Governm^{t} will be found Sufficient to prevent the inconveniencies and Mischeifs which may Arise from this Act, So we desire you will please more Especially at this time to See that all and every the s^{d} Officers Doe strictly pursue their Duty's according to the Laws of England relating to the plantations, which they have in Charge from Us, and our afores^{d} Ord^{rs} and Instructions, And give you an Acco^{t} of every Ship Tradeing in their respective p^{r}cincts in the fform and method p^{r}scribed by Us.

And it will more especially Concern you to be very Carefull that the persons imployed under you as Nav^{ll} Officers for the taking of bonds and the giving out and taking in of Certificates be persons of known Integrity and that they be under Oath and Security for the faithfull Discharge of their Trusts.

On the other hand that no Officer within Your Governm^{t} may pretend Ignorance or be Imposed upon in Receiving or Accepting of forged Certificates mentioning Security to be taken by the Officers of the Custom's in Some Port of England Wales or Berwick for the Return of Ships with their Loadings to this Kingdome, or other forged Certificates for Ships Discharging their Loadings from the plantations in Some port in England Wales or Berwick, when in reallity no Such Bonds have been here given nor loadings here discharged But the Ships therein mentioned have gone directly to and from Scotland (of which we have many instances now before Us) We shall for preventing these ffrauds and abuses hereafter Every three months or as often as Conveyance shall Offer, Send you an Authentick and Attested List of every Ship or Vessel with the Masters Name that hath Entered into any Port of Eng^{l}

Wales or Berwick for any of his Ma^ts^ plantations & given Lib. H. D.
Security to Return from thence with her loading, and a Like
List of every Ship That hath Discharged her Loading from
Yo^r^ Governm^t^ & had a Certificate thereof from any Custome p. 10
House of England Wales or Berwick in Order to the Vacating
the Security given with you; And if any Ship pretending to
Come from England with a Certificate of giveing Bond here,
or a Certificate of Dischargeing her loading in Some port of
this Kingdom for Vacating the Bond given to you, shall not
be found in One of those Lists respectively according to the
Ord^r^ and Date of Such Certificate You may Conclude such
Certificate to be fforged or Counterfeit, And as the Case Shall
happen It will be Incumbant on You Either to p^r^secute the
Bond as fforfeited or to seize Such Ship as Shall p^r^sume to
load or take on Board any of the Enumerated Commodities by
Colour of such Counterfeite Certificate Unless it may soe fall
out That a Ship Shall Arrive with a Certificate from England
before such List Comes to your hands, Whereby to Discover
whether it be a true or a Counterfeite Certificate In which Case
it will be advisable for you to take good security in the
Country for the Carrying such of the Enumerated plantation
Goods as She shall there Load, to Some Port of England
Wales or Berwick.

We likewise remind you on this Occasion of the Clause in the Act of Navigation made in the 12^th^ year of the Reign of King Charles the Second, Which provides that no Alien or Person not Born within the Kings Allegiance or Naturalized or made a ffree Denizen shall Exercise the Trade or Occupation of a Merchant or ffactor in any of the Plantations, upon pain of fforfeiture of all his Goods and Chattels, And we desire you to Cause a due observance thereof within your Governm^t^ And let the Com̄and^rs^ of his Ma^ts^ Ships of Warr or others having Commission from his Ma^ty^ Coming to Yo^r^ Government be ffurnished with Coppyes of the Instructions which we have purposely prepared and Sent you in pursuance of the s^d^ Act of Navigation, by which Act they are Authorized to Seize and bring in as prize all such Ships & Vessells as shall be found Offending Contrary thereunto; ffor whose Encouragement one Moyety of the forfeitures after Condemnation is thereby allotted them and their Companyes to be divided & proportioned amongst them according to the Rules and Ord^rs^ of the Sea, in Case of Ships taken Prize.

And as by the Acts of Trade and Navigation the Govern^rs^ of the plantations are particularly Enjoyned by Solemn Oath and under the penalty of being Removed from their Respective Governments, to doe their Utmost that all the Matters and things therein Contained Shall be punctually and bonâ fide Observed according to the true intent and meaning thereof,

Lib. H. D. p. 11 So we Expect you will particularly take Care that noe Ships or Vessells be permitted to Import or Export any Goods or Commodities to or from your Governm[t] but shall be duly quallifyed and Navigated as thereby is Directed having a more particular Eye & Reguard to those places which are most Conveniently Scituated for the Scotch and other Illegall Traders to load & Discharge at.

And withall let none be accepted or taken as Security with Masters of Ships but such as shall be persons of Sufficiency and Value and inhabitants on the place. It Remains only further that We Remind you of the Act of Trade made in the 15[th] year of the Reign of King Charles the Second, which provides that no European Goods (except what is therein Excepted) Shall be Imported into any of his Ma[ts] Plantations but such as shall be loaden and Shipped in England Wales or Berwick and in Ships and Vessells quallifyed and Navigated as therein is Directed, under the penalty of forfeiture of Ship and Goods, and every person or persons Importing any Goods or Commodities whatsoever into any of the plantations, is by the s[d] Act to Deliver to Each respective Govern[r] or the Person Authorized by him within Twenty four hours after such Importation, their Names and S[r] Names, and a true Inventory and particular of all Such Goods, together with the place or places in w[ch] the s[d] Goods were loaden or taken in Under the like penalty's of fforfeitures. We are

Yo[r] Very humble Servants

Custom House Lond[o]
9 of Jan[ry] 1695.
Copia

P Ward
Robert Southwell
Ja: Chadwicke

To the Lords Spiritual and Temporall in Parliament Assembled.

The Com[rs] of his Mat[s] Customs Report unto the Lords Spirituall & temporll in Parliam[t] Upon the Scotch Act &c[a]

May it Please Yo[r] Lordships. In Obedience to Your Lordships Commands Signifyed by an Ord[r] of the 19[th] Instant Requiring the Com[rs] of his Ma[ts] Customs to Lay before this hon[rble] House in Writing what they Conceive may be the proper means to Remedy the Inconveniency's Arising by the late Act of Parliam[t] made in Scotland for Establishing an East India Company there, We doe humbly Observe to your Lordships in Generall, That the Act for Encourageing of Shipping and Navigation in Scotland in the year 1661 being by this late Act rescinded and Despenced with for Ten Years and a ffreedome therby Granted to this Scotch Company, from all manner of Customs and other Dutys imposed or to be imposed by Act of Parliam[t] or otherwise dureing the p. 12 Space of 21[th] years must in Consequence have a very fatall Influence upon the Trade and Navigation and Revenue of

Customes in England, And if it may not be Supposed, That an Act which in its Consequencies may Endanger the good Correspondence which is necessary to be preserved, between the two Kingdoms may be repealed, We would humbly propose as the best expedient to Remedy the Inconveniencies by the s^d^ Act, That there might be Such an Establishm^t^ of those Trades lyable to be Injured thereby as may give Encouragem^t^ to the people and Inhabitants of England to employ their Stocks and Estates for the Carrying on those Trades to the best Advantage. And on the other Side that the Subjects and Inhabitants of this Kingdom be discouraged under Severe penalties from Engaging in the Stock or managem^t^ of the s^d^ Company. Lib. H. D.

As to the West India Trade, with respect to his Ma^ty's^ English Plantacōns We humbly Observe to Your Lordships That the Acts of Trade and Navigation, doe in Great measure provide for the Security thereof, for that as the Laws of England now Stand none of the Enumerated Commodities as Tobacco, Sugar, Cotton, Wooll, Indico Ginger ffustick & other dying Wood can be Shipt at any of the s^d^ Plantations until Sufficient Security be first given in the penalty of 1000^l^ for every Ship or Vessell under 100 Tons Burthen and of 2000^l^ for every Ship or Vessell of a greater Burthen with Condition to bring the Same to England, Wales or Berwick and there to unload & put the Same on Shore the danger of the Seas only Excepted in such Shiping as is provided for by the s^d^ Act, Nor Can any European goods be Exported to any of the s^d^ Plantations, but what Shall be laden in England Wales or Berwick, and in Ships duly quallifyed and Navigated as afores^d^ under the Penalty of forfeiture of Ship and Goods Except Salt for the ffisheries of New England and New ffound Land Wines of the Grouth of the Madera's, Western Islands or Azores and Servants or horses from Scotland or Ireland and Provisions of the grouth & Production thereof Respectively. But it may be further Necessary that the Govern^rs^ of the Respective Plantations, and the Severall Officers Employed under them be Awakened on this Occasion to put the afores^d^ Lawes in a Vigorous Execution, And moreover that a Certaine Number of Vessells of Competent force be appointed to Cruise on the Coasts of America and else where with Suitable Instructions to the Comand^rs^ for Seizing and bringing in as Prize all such Ships and Vessells as shall be found Trading in Contempt of the afores^d^ Lawes, or any of them,

Custom House Lond^o^ 12^th^ Decemb^r^ 1695.

All w^ch^ is humbly Submitted to your Lord^ps^ Consideration R^o^ Southwell Rob^t^ Clayton J: Chadwick Walter Younge Pa: Ward Sam: Clarke

Lib. H. D. p. 13 The humble Address of the R^t Hon^rble the Lords Spirituall and Temporall and Commons in Parliam^t Assembled.

Die Veneris 13^th Decembris. 1695.

The Lords & Commons address to his Maty abt the Scotch Act.

We the Lords Spirituall and Temporal, and Commons in Parliam^t Assembled having taken into our Consideration the State of the Trade of this Kingdom Do find, that besides many other Disadvantages and Difficulties it now lies under An Act of Parliam^t that hath lately Received your Ma^ts Royall Assent in yo^r Kingdom of Scotland for Erecting a Company Trading to Affrica, and the Indies is likely to bring many Great Prejudices and Mischeifs to all yo^r Majesties Subjects, that are Concern'd in the wealth or Trade of this Nation; and therefore in all Duty to Your Ma^ty and the Care We ought to have of this Kingdom, We doe humbly Represent to Yo^r Ma^ty that the s^d Act does provide, that all Ships, Vessells, Merchandize, Goods, and other Effects whatsoever, belonging to that Company, Shall be ffree from all manner of Restraints, or Prohibitions, and of all Customs, Taxes, Sesses, Supplyes, or other Duties Imposed, or to be Imposed by Act of Parliam^t or otherwise, for the Space of one and Twenty Years: And farther, That the s^d Company, whole Members, Officers, Servants, or others belonging thereto shall be ffree both in their persons, Estates, and Goods, Employed in the s^d Stock and Trade, from all manner of taxes, Sesses, Supplies, Excises, Quartering of Soldiers Transient or Local, or Levying of Soldiers, or other Impositions whatsoever, during the Space of one & Twenty years. By Reason of which great Advantages Granted to the Scotch East India Company, and the Duties and Difficulties that lye upon that Trade in England, a great part of the Stock and Shipping of this Nation will be Carryed thither; and by this means Scotland be made a ffree Port for all East India Commodities; and Consequently those Severall places in Europe, which were Supplyed from England, will be ffurnished from thence, much Cheaper than Can be Done by the English; and therefore this Nation will loose the Bennifit of Supplying fforreign Parts with those Commodities; which hath alwaies been a Great Article in the Ballance of our fforreign Trade, Moreover the s^d Commodities will unavoidably be brought by the Scotch into Engl. by Stealth, both by Sea and Land, to the Vast Prejudice of the English Trade and Navigation, and to the Great Detrim^t of your Ma^ty in Your Customs, And when once that Nation Shall have Settled themselves in Plantations in America, our Commerce in Tobacco, Sugar, Cotton, Wool, Skinns, Masts &^ca will be Utterly Lost

because the Priviledges of that Nation, Granted to them by this Act, are such, That, th^t^ Kingdom must be the Magazine for all those Commodities, and the English Plantations, and the Traffick thereof lost to Us, and the Exportation of our own Manufactours Yearly Decreased. Besides these, and many other Obstructions that this Act will unavoidably bring to the Generall Trade of this Nation, Another clause in the s^d^ Act, Whereby your Ma^ty^ Promises to Interpose your Authority to have Restitution, Reparation and Satisfaction made for any Damage that may be Done to any of the Ships, Goods, Merchandize, Persons or other Effects whatsoever belonging to the s^d^ Company & that upon the publick Charge; does Seem to Engage Your Ma^ty^ to Employ the Shipping and Strength at Sea of this Nation, to Support this New Company, to the Great Detriment even of this Kingdom All which great prejudices, Inconveniencies, and Mischiefs arising by the s^d^ Act, We in all Duty and ffaithfullness lay before yo^r^ Majesty. Lib. H. D. p. 14

Matth: Johnson
Cleric: Parliamentor

His Ma^ts^ most Gracious Answer
to the Address of both Houses of Parliam^t^ Presented to him by them Yesterday at Kensington.

I have been ill Served in Scotland, but I hope Some Remedies may be ffound to prevent the Inconveniencies which may Arise from this Act.

Instructions to his Ma^ts^ Collectors &c^a^

Instructions to Comand^r^ of First you Shall take Care that no Goods or Commodities whatsoever be Imported into or Exported out of the s^d^ Colony of Maryland or any other of his Ma^ts^ Colony's or Plantations in any Ships or Vessells whatsoever but in such as doe truly and without ffraud belong only to the people of Engl. Ireland, Wales or Berwick, or are of the built of and belonging to any of the s^d^ Plantations as the Proprietors and Right own^rs^ thereof and whereof the Master and three fourths of the Marriners at least are English under the Penalty of the fforfieture and loss of Ship and Goods to be Recovered and disposed of in manner as by Law is provided

2^dly^ You Shall likewise take Care that noe Ship or Vessell Coming from England Ireland Wales or Berwick Shall load any of the Enumerated Commodities (Viz^t^) Sugar, Tob^o^, Cotton, Wool, Indigo, Ginger, Fustick or other Dying Wood before Certificate be produced from the Officers of some Custom House of England, Wales, or Berwick that Bond hath been there given with one Surety to the Value of one Thousand pounds if the Ship be of less burthen then one hundred Tonns and of the Sume of two thousand pounds if the Ship shall be of greater p. 15

Lib. H. D. Burthen, that in Case the s^{d} Ship or Vessell shall Load any of the s^{d} Commodities at any of the English Plantations that the Same Commodities shall be by the s^{d} Ship or Vessell brought to Some port of England or Wales or to the Town of Berwick upon Tweed and be there unloaden and put on Shore the danger of the Seas only excepted.

And in like manner that noe Ship or Vessell which by Law may Trade in any of his Ma^{ts} Plantations be permitted to load on board any of the s^{d} Commodities coming from any other Port or Place untill Bond be given to the Governo^{r} in manner and to the Value afores^{d} That such Ship or Vessell shall Carry all the s^{d} Goods laden on board to some other of his Ma^{ts} Plantations or to England, Wales, or Berwick and if any such Ship or Vessell shall load or take on board any of the s^{d} Commodities untill such Bond given to the Govern^{r} or Certificate Produced from the Officers of Some Custom house of England Wales or Berwick that such Bond hath been there duly given or which Contrary to the Tenor of such Bond shall Carry the s^{d} Goods to any Port or place whatsoever then such other plantation or to England Wales or Berwick and there lay the Same on Shore every such Ship or Vessell shall be forfeited with her Guns Tackle & Appar^{ll} and you shall doe your utmost Endeavours to find out Seize and prosecute the Same accordingly.

3^{dly} If any Ship or Vessell which by Law may Trade in any of his Ma^{ts} plantacõn Shall Ship and take on board any of the afores^{d} Commodities or Cacao & that Bond shall not be first given with one Sufficient Surety to bring the Same to England Wales or Berwick and to noe other place and there to unload & put the Same on Shore (the danger of the Seas only Excepted) there shall be answered and paid for so much of the s^{d} Commodities as shall be laden and put on board such Ship or Vessell the Severall Rates & Duties mentioned in the s^{d} Act to be leavyed Collected and paid at such places and to such Collecto^{rs} and other Officers as shall be appointed to Collect Leavy and Receive the Same before the unlading thereof & Under such Penalties both to the Officers and upon the Goods as for non paym^{t} of or defrauding his Ma^{ty} of His Customes in England.

p. 16 And you are to take Care that none of the afores^{d} Enumerated Goods which shall be pretended for any of the Ships that have given Bond to goe to England, Wales or Berwick only and to no other place be under that Colour Stollen on Board Ships which have given Bond to goe to Some other of his Ma^{ts} English Plantations or to England Wales or Berwick and so evade the Duties payable as afores^{d}

And you are to take Notice that notwithstanding the paym^{t}

of the s[d] Duties no Ship or Vessell can by Law goe from Maryland or any other of his Ma[ts] Plantations with any of the afores[d] Commodities, to any Port of Europe but to England Wales or Berwick, nor to any port out of Europe but to some other of the s[d] Plantations. Lib. H. D.

4[thly] If any of the goods chargable with the Duties afores[d] shall be laden on board any Ship or Vessell before the Master or Commander hath made Entry thereof according to the Act for preventing ffrauds and the Statutes made in the first Eliz[t] Cap ii Such master or Command[r] is lyable to the penalty of one hundred pounds.

5: You are to take Care that no Commodity of the Grouth Production or Manufacture of Europe be Imported but what Shall be bonafide and without fraud laden and Shipt in England, Wales or Berwick and in English built Shiping or Ships otherwise quallifyed except Salt for the ffisheries of New England and Newfound-Land Wines of the Growth of the Maderas Westerne Islands or Azores and Servants Horses and Victualls from Scotland and Ireland under the fforfeiture of Ship & Goods.

6: And for the prevention of Frauds, You are to Inform Yo[r] Self whether any Ships or Vessells Coming to Maryland lade or Unlade any Commodities whatsoever untill the Master or Commander thereof shall first have made known to the Governo[r] or whom he appoints to that purpose the Arrivall of Each Ship or Vessell with her name and the name and S[r] Name of the Master and hath Shown that She is an English built Ship or otherwise quallifyed and Navigated according to Law, and doth deliver to the Govern[r] or such other Person a true and perfect Inventory of her lading together with the place or places where such Goods were taken in.

7: And whereas Severall Ships doe Trade in his Ma[ts] plantations w[ch] by Law ought not to Trade there and Severall European Goods are Imported thither from other places then England Wales or Berwick and Several Ships loaden with Enumerated Plantation Commodities doe goe for Scotland and other places without first Coming to England and actually unloading there You are Carefully to Examine all Certificates which Shall be brought of any Ship having Given Bond for the preventing false and Counterfeit Certificates, and as to such Ships & Vessells as doe give Bond in Maryland You are to Endeavour to discover whether the Condition of the s[d] Bonds be perform'd & Certificates thereof produced and on failure thereof that they be prosecuted, & for this End if any Ship or Vessell w[ch] have Given Such Bond shall happen to arrive again with you, You are to Demand of her Master a Certificate p. 17 of such Ships having Discharged her former lading according

Lib. H. D. to such Bond. And if he produce no such Certificate that such Bond be put in process without further delay, and in all Cases where bond hath been given if you Can discover and make proofe that any such Ship or Vessell hath discharged her lading contrary to her Bond, or that a Convenient time hath been past in expectation of the Return of a Certificate of her unlading according to the Tenor of her Bond and that no Certificate is Returned you are to take like Care that the Bond be put in process.

8thly You shall from time to time correspond with the Collectors of his Mats Customs in Maryland and inspect the Clearings of all Ships & Vessells in their Books in Ordr to the better discovery of forged Cocquets and Certificates and Shall inform them of Such matters as shall Come to your knowledge that may be of Use to them in his Mats Service.

The Lords of the Councills Lre to his Excy to See the Acts of Trade Executed according to the Comrs of the Customs Lre

After our very hearty Commendations, Whereas the Lords Spirituall & Temporall with the Commons Assembled in Parliamt have by their late Address Represented to His Maty the Obstructions that will Unavoidably accrue to the Trade and Navigation of this Kingdom by An Act lately Passed in Scotland for Erecting a Company to Trade, from thence to India, Affrica and America, a Copy of which Act, and the Address of the Lords and Commons with his Mats Gracious answer thereupon you will Receive from the Comrs of his Mats Customs together with a Letter from the sd Commrs recommending to Your Care the Vigourous Execution of the Severall Laws made here in England for the Security of the Plantation Trade, and to See that the Officers of the Commrs of the Customs within your Governmt doe Strictly pursue their Duties according to the sd Laws, and further Reminding you of what is by the sd Laws more especially Required at your hands for the better Securing the Plantation Trade to this Nation, We have Received his Mats Commands to let you know, that his Maty being very Sensible how prejudiciall the sd Act past in Scotland may be to the Trade and Commerce of this Kingdom, as well to his Matys Plantations as to other parts; His Maty expects from you not only a Strict performance of what is Recommended to your Care by the Commrs of the Customes in their sd Letter as the best means to Remedy the Said inconveniences for the prsent, but that you also use your Utmost Endeavour that the Laws of Trade and Navigation of this Kingdom may be duly and strictly executed within yor Governmt as well by what Countenance and Assistance you may give to the Officers of the Commrs of the Customs in this behalfe, as by all other ways

and means whatsover, that you may Use whereby the ill Consequences of the s[d] Act past in Scotland, To the Trade and Navigation of this Kingdom, may be avoided, In all which his Ma[ty] Expects a Strict complyance from you according to your Duty as you will Answer the Contrary. And so we bid you very heartily ffarewell from the Councill Chamber at Kensington this thirteenth day of ffeb[ry] 1695/6. In the Eigth year of his Ma[ts] Reign. Yo[r] very Loving ffriends. Lib. H. D.

Govern[r] of Maryland to See the Acts of Trade executed according to the Comm[rs] of tne Customs Letter.

Dorsett, Stanford, Lancreville, J. Bridgewater.

Pembroke CSS., Devonshire, Monmouth

John Nicholas.

December the 19[th] 1695

Governrs Representacon touching Admrcon vpon Abingtons Estate

His Excellency Representing that Whereas Richard Harrison of Calvert County having about Twelve Months ago applyed himself vnto him for Letters of Administration vpon the Estate of John Abington of the Kingdom of England Merchant dec[d] he appearing to be principall Credito[r] by a Debt of 660[l] 16[s] 5[d]1/8 sterl due to him from the said Estate vpon score of factorage yet notwithstanding could not be admitted to Administer in his own name, whereby to secure himself by reason of his refusing (through tenderness of conscience) to take the Oath of an Administrator or to swear being a Quaker; therefore it was considered that his Administring by proxy might be sufficient to secure him of his Debt and the remainder of the Estate for the vse of the lawfull Adm[r] of Abington in England, And that accordingly afterwards came James Crawford of Calvert County afores[d] Recommended by a Letter from the hono[ble] Coll Henry Jowles to be a person of integrity, skill & honesty for to vndertake & manage such a Concern, wherevpon Letters of Adm[rcon] were by the Commissary Gen[ll] granted vnto the said Crawford for the vse of the lawfull Adm[rs] in England & benefits of the Creditors so soon as the same should appear. That some time after there coming a procuration from England from M[rs] Miriell Parney sister of the s[d] Abington dec[d] & M[rs] Miriell Abington his Neece (to whom Letters of Adm[rcon] vpon the aforementioned Estate, had by the Metropolitan of England been granted as next of kin after John Abington his kinsman, who by Will was left his sole Executo[r] had renounced the said Will) constituting the aforenamed Richard Harrison & one George Lingan of Calvert County aforesaid their lawfull Attorneys to their vse to take care of the s[d] Estate, but the s[d] Harrison though the greatest Credito[r] refusing to take

p. 234

Lib. H. D. the Oath of an Adm^{r} was render'd vncapable thereof and by his consent the said Lingan the other Attorney had Letters of Adm^{rcon} granted to him to the vses afores^{d} and the s^{d} Crau-fords Adm^{rcon} therevpon Revoked & Ordered to Render an Aco^{t} of his Adm^{rcon} to M^{r} Lingan the present Adm^{r} And pursuant thereto the s^{d} Lingan exhibitted a Libell in the Commissaries Office against the s^{d} Crauford setting forth that Crauford had by Virtue of the former Letters of Adm^{rcon} possessed himself of the whole Estate, and the better to colour his detaining the same, he had perswaded Richard Harrison for to take his
p. 235 own Obligation for the paym^{t} of 660^{l} sterl due to the said Harrison from the s^{d} Estate, to be paid in three years time, and in like manner dealt with some other of the Chief Credito^{rs} telling them the Estate was much indebted in England and that there would Debts of a higher nature appear, therefore would not run the hazard of paying anything otherwise than he had proposed; the said suggestion being vtterly false, that he could run any hazard having at that time in his hands, Effects in Debts, Mortgages Negros', Servants & Cattell &c^{a} to the Value of above 2000^{l} sterl Wherevpon such Proceedings were made in the Commissaries Office that after an Answer to the said Libell put in, and a Replication & Rejoynder thereon, the Commissary vpon a full hearing of the matter on both sides did sentence & decree that the said Crauford should Restore into the possession of the Libellant, the Negro's, Servants, Cattell &c^{a} And that the Libellant should see the s^{d} Crauford discharged & fully released from his Bond given to Richard Harrison for the paym^{t} of 660^{l} sterl & in short to reinburse all Charges he had been out or what Debts he had actually paid, in which the s^{d} Estate was really indebted & incumber'd with however the s^{d} Crauford not resting contented with such a sentence, finding the same would totally dispossess him of all, and so he miss of his Aim in Enriching himself thereby, gave him occasion to Appeal therefrom, and accordingly moved his Excell in Councill to constitute a Court of Delegates for to Examin the s^{d} sentence &c^{a} to which end & purpose a Commission issued Empowering the Delegates therein nominated to Command the whole proceedings before them & vpon their fully hearing the same, to give Sentence accordingly; that the said Court vpon hearing the matter did adjudge th^{t} the Agreem^{t} by the s^{d} James Crauford (former Adm^{r}) Entred into for paym^{t} of the aforementioned Sume of 660^{l} sterl to Richard Harrison principall Credito^{r} was sufficient discharge to the Estate of the s^{d} John Abington dec^{d} for so much, and for that Reason did adjudge that part of the sentence void whereby the s^{d} Article was disollowed. Wherevpon the s^{d} Crauford detaining all in his

hands by Vertue of the s[d] sentence the s[d] George Lingan hath Lib. H. D.
humbly complain'd vnto his Ex[ncy] for Redress, who therevpon p. 236
sent for the Commissary; but some extrordinary matter happening which hindred his attendance, he sent a Letter of excuse, therein signifying that he did not know any legall way how to free the Estate from the present intanglem[ts] but by a Commission of Review, saying he is outed of all Jurisdiction of the Cause by Removall of the Commissaries Record before the Delegates. His Excellency is therevpon pleased to observe that through the Vilany of the said Crauford, who was at first made only Adm[r] in trust for the vse of another, the matter is brought to such a dilemma for want of speedy proceedings therein (a Commission of Review not being possible to be had before ffeb[ry] Court next, severall Gentlemen of the Councill living on the other side the Bay who should be vpon the same, and most Gentlemen living on this side were of the Court of Delegates) that his Ex[ncy] does think himself bound in conscience, as the case stands (it plainly appearing to him a designed Cheat & a Juggle from the very begining & through the whole course of the s[d] Craufords Proceedings by still detaining the s[d] Estate in his hands, to Enrich himself; though notwithstanding he has been proferred security by the said Harrison & Lingan (both before & now again in the presence of his Ex[ncy] to save him harmless from all damage & to Cancell his Bond) for to take the best methods at present to preserve the s[d] Estate for the vse of the heirs & Credito[rs] which inevitably now goes to Ruin; the Tobacco & other Debts amounting to a considerable Sume still lying uncollected & not likely to be Collected this year, though in all probability a good price might this year be had for Tobacco, which might redound to the benefit & profit of the heirs & Credito[rs] afores[d] besides through letting Debts lye long severall persons may become insolvent; for the said Reasons and for that the s[d] Crauford got himself craftily possessed of the s[d] Estate on purpose (as his Ex[ncy] is well informed) that he might favour some persons who were in combination with him & Debto[rs] to the s[d] Estate, that afterwards (according to the custom of the Countrey) he might by an vnder Appraisem[t] get halfe the Estate to himself and lastly that by his Endeavouring to intangle the same so in Law (according to the custom of the Countrey also that he might bring an ill Report thereon whereby it might be vndervalued & by that means procure a p. 237
purchase of the whole Estate to himself or others; His Excell does therefore advize the afores[d] George Lingan for to protest against the s[d] James Crauford for all damages whatsoever which may any wayes Ensue vpon the said Estate by Reason of him the said Craufords detaining the same in his hands, and

Lib. H. D. the said George Lingan does hereby protest against the s[d] Crauford accordingly as also demands of the s[d] Crauford before his Ex[ncy] the delivery of the plantations belonging to the s[d] Abington, that he may improve the same for the benefit of the Adm[rs] in England &c[a] the which said Crauford refusing the said Lingan therevpon did Protest against him for what damage might thereby also ensue.

Clause of a Letter sent from M[r] Kenelm Cheseldyn Commissary Gen[ll] of the province of Maryland vnto his Excellency the Govern[r] the s[d] Letter bearing Date, December the 17[th] 1695.

Clause of the Commissary Gen[lls] L[re] touching the Court of Delegates sentence vpon Craufords Appeal &c[a]

Viz[t]

How to free the Estate from the present intanglements I see no legall way but by a Commission of Review, for by the Removall of the Commissaries Records before the Delegates, he is by Law outed of all Jurisdiction of the Cause, and the Delegates Commission is determin'd and their sentence is so vncertain by their words, none knows what it means, for they say they make that part of the sentence void, whereby that Article is disallowed, meaning that the Agreem[t] is a sufficient discharge of Abingtons Estate from the 660[lbs] Whereas there is no such Article (as they call it) in my sentence either to be allowed or disallowed but a thing of their own fancy & imagination to support & colour an Erronious sentence, and were not my Record removed I see nothing in theirs to hinder the Execution of my first sentence. However I see not but M[r] Lingan at Common Law as Adm[r] may Replevy the Negros, for there is nothing in the Delegates Sentence to divest him out of the property to them; And also M[r] Attorney Gen[ll] may sue the Adm[rcon] Bond for want of a true Inventory & not exhibitted in time tho often Cited therevnto, for there is not one Debt of Abingtons brought into the inventory, And this will make good the damage of lying out of the Debts this year by his detaining them from the Administrator.

p. 25 Certificate for Arms & Amunition delivered out of his Mat[s] Store to Gov[r] Copley.

These are to certifye whom it may concern that pursuant to an Ord[r] in Councill of the 15[th] of Octob[r] 1691 there was on the 2[d] of Jan[ry] following delivered out of his Ma[ts] Stores within this Office to the hon[rble] Colonel Lyonel Copley Govern[r] of Maryland One hundred Barrells of powder, and two hundred Snap Musketts who put the same on board such Ship as he thought fit to transport them thither; but on board what Ship we know not nor is this Office to be at any charge for the ffreight

thereof; but the same to be defrayed by that Province. The Powder being given and the Armes spared by his Ma^ts^ ffavour for the service thereof: Lib. H. D.

Given at the Office of his Ma^ts^ Ordinance this 13^th^ of Jan^ry^ 1695

John Charleton — Tho: Littleton
Cop^a^ Tests Edw^d^ Randolph — W^m^ Boulton

true Copy.

William R.

Warrant for issuing pardon for Mason & Burley.

Trusty and well Beloved We greet you well, Whereas the Case of George Mason and Will^m^ Burley condemned about four Years ago for the murther of John Payne our Collecto^r^ on Petuxent River hath been Represented to Us in Councill whereby it appeared that one John Woodcock likewise convicted with them was executed for the Said Murther upon his Confession that he only committed the Fact, & that the s^d^ George Mason and William Burley were no otherwise Concern'd in it, then being present at that time on board the Yatch, Whereupon the Assembly of Maryland reprieved them and in Reguard of the great charge they have been to the Countrey by their Long Imprisonm^t^ they have Requested you to recomend them to Us as fit Objects of our mercy. We having taken the Premises into our Royall Consideration are graciously pleased to Signifye our Will and pleasure to you, that you Cause a Pardon to be passed under the Seale of that our Province of Maryland unto them the s^d^ George Mason and Will^m^ Burley for the Offence afores^d^ with Such Clauses as are Usuall and Necessary in this behalfe, And for so doing this Shall be Your Warrant And So we bid you ffarewell. Given at our Court at Kensington the 20^th^ day of ffebruary 1695/6 in the Eighth Year of our Reign.

By his Ma^ts^ Comand
Shrewsbury

Mason and Burleys Pardon in Maryl.

Mason & Burleys pardon abt the murther of Mr. Payn

William the Third &^ca.^

To all persons to whom these p^r^sents shall come, Greeting. Whereas George Mason and Will^m^ Burley stand convicted and Condemned for the murther of John Payne our late Collecto^r^ of Petuxant River in our Province of Maryland, and that they have been Rep^r^sented to Us as fitt objects of our mercy in as much as the s^d^ Murther was principally committed by one John Woodcock who was Executed for the Same, and they the s^d^ George Mason and p. 25

Lib. H. D. Will[m] Burley no otherway's guilty thereof then by being p[r]sent at the time th[t] the s[d] ffact was committed by the s[d] Woodcock We have thought fit as by these p[r]sents we doe of our meer motion and Speciall Grace acquit release and pardon them the s[d] George Mason and W[m] Burley of and from the condemnation and murther afores[d] and off and ffrom all paines penalties convictions attainders corruptions of blood ffor-feitures & confiscac̄ons that may any wayes be inflicted upon them, or they any wayes lyable to for or by reason of the s[d] murther, or their conviction and condemnation thereof hereby restoring them to the ffree benefitt of the Law, and Granting that they shall be accepted deemed and reputed in all our Courts of Justice and else where as capable to all intents and purposes as if the s[d] ffact had never been committed, nor they ever convicted thereof.

At a Councill held at the Port of Annapolis, the 27[th] day of ffeb[ry] (being thursday) in the Eighth year of the Reign of our Soveraign Lord King William the third &c[a] Annoq Domini 1695/6

Present

Whitehall His Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] &c[a]

The hono[ble] { Coll Nicholas Greenberry, Coll John Addison, James ffrisby Esq[r] }

Persons Naturalized sworn & subscribe to the Test. Came Daniell Danielson Nicholas dela Montague, Harmen Vanboekele Hendrick Sluyter & Jacob Sluyter (persons naturalized by a late Act of Assembly) and severally tooke the Oaths appointed by Act of Parliam[t] to be taken instead of the Oaths of Allegiance & Supremacy and also subscribed to the Test.

Clk of the Indictm[ts] of A: A: Co: Court sworn

Whitehall Came M[r] Henry Bonner Clerk of the Indictm[ts] of Ann Arrundell County Court & was sworn accordingly.

Produced & Read a Letter from M[r] John Llewellin to his Excell sent & directed, Dated the 4[th] day of ffeb[ry] instant, therein excusing his non appearance here, pursuant to his Ex[ncies] Ord[rs] to make vp the Councill proceedings of his time,

p. 262 desiring that he might be permitted to carry the papers and Minutes down to his own house in S[t] Maries County to prevent the great Charge which would otherwise vnavoidably Accrue to him, the which being maturely considered it is thought altogether inconvenient & vnfit that his Request be

complyed with, tho they are sorry he has brought such an inconvenience vpon himself, and therefore Ordered that the said LLewellin (with what possible expedition he can) come vp & finish at the Port of Annapolis the Proceedings afores[d] pursuant to former Ord[r] Lib: H. D.

The hono[ble] Coll John Courts Letter of Excuse for not coming to Councill, read & admitted off. Whitehall

Produced & by Ord[r] read certain proceedings (in relation to the Broad Seal of the province) had & taken before his Ex[ncy] the Govern[r] the sixth day of December last, which follow in these words, Viz[t]

December the 6[th] 1695.

Proceedings touching Coll Jowles &c[a] Came before his Excellency M[r] John ffreeman Register in Chancery and his Excell. producing vnto him a couple of instrum[ts] a subpena & an injunction in Chancery, the which he had produced & delivered vnto his Excell some ffour or ffive Nights ago vnder the Broad Seall of the Province, and being then by his Ex[ncy] examin'd whether the s[d] two Instruments were perfect & intire without any blancks left in the same before they passed the Broad Seal, did then Answer & confess they were not perfect, and being asked the same question now, his Ex[ncy] shewing him the two Seals which he tore from the s[d] instruments, the said ffreeman made the same Answer, and his Ex[ncy] therevpon burnt the s[d] Seals.

The hono[ble] Coll Henry Jowles (Keeper of the Broad Seal) delivering vnto Maj[r] Edward Dorsey, one of the Commission[rs] in Chancery, the Broad Seal of the province, by him to be kept pursuant to the Ord[r] of Councill; Ordered that the s[d] Maj[r] Dorsey keepe the s[d] Seal secure, and that he apply it no instrumen[t] but what is Authentick & according to the Rules & practice of his Ma[ts] high Court of Chancery & that the Register of the s[d] Court take notice accordingly.

Ordered that the hono[ble] Coll Henry Jowles make answer in writing what he has to say in defence of himself for taking away the Broad Seal of the Province out of Town with him contrary to an Ord[r] of Councill and for carrying away the Originall Laws made last Sessions of Assembly, contrary to his Excell Orders; and that he produce such his defence to the Councill next Meeting, and how he came to leave a spare Broad Seal with Stephen Blatchford to put to a Copy of the aforementioned Laws, the which s[d] Seal his Ex[ncy] now burnt. p. 263

Coll Hen: Jowles L[re] read & Ord[r] thereon. Produced & Read a Letter from the hono[ble] Coll Henry Jowles vnto his Excell sent & directed, setting forth the cause of his absence, Viz[t] his present Whitehall

Lib. H. D. indisposition of body; therefore humbly prayed, that one of his Ma^ts^ hono^ble^ Councill might be appointed to sit in Chancery Causes, this Court, in his stead; Ordered that the s^d^ Matter be Referred to M^r^ Attorney & Sollicito^r^ Gen^ll^ for them to make Report whether the same may be legally done.

ffeb^ry^ the 28^th^ 1695/6.

The Councill again Sate & were present as before.

Lievtent Coll Ridgelys pet & Ord^r^

The petition of Lievten^t^ Colonel Henry Ridgely being yesterday presented at this Board, therein praying his Quietus, to be dismissed from serving as a Magistrate in the County by Reason of his being in years & having lately Received a fall from his horse, whereby he is disabled of the vse of his right Arm renders him vncapable to make vse of his pen, besides the great disquietude which by business is created to him. The said petition was by Ord^r^ indorsed thus, Viz^t^

By his Ex^ncy^ the Govern^r^ & Councill &c^a^

ffeb^ry^ the 27^th^ 1695/6

p. 265 Ordered that the within Petition be Referred to the Commissioners of Ann Arrundell County Court, by whom if nothing be objected, then his Ex^ncy^ will consider of giving the petitioner his quietus thereon.

John Hall of Bal Co: Ordered to pay to the Vestry's the 40 p poll

John Hall late Sherriff of Baltemore County, appearing here, pursuant to Summons, and being demanded by his Ex^ncy^ why he neglected to Collect the 40^lb^ tob^o^ ꝑ poll in the year 1693. And a Copy of the s^d^ County Leavy of that year being produced, was found that the Tythables that year were 482 persons, which at 40^lb^ tob^o^ ꝑ poll with deduction of 5 ꝑ Cent Sallary according to the Act amounts to 18216^lbs^ of Tob^o^ Ordered therevpon that the s^d^ John Hall take care to collect the said Tobacco this year & answer & pay the same to the Vestrymen of the severall parishes of the s^d^ County by them to be made vse of according to the directions of the said Act.

John Halls information &c^a^ Referred

The said John Hall p^r^senting an information to this Board touching some irregularities transacted within that County, was Referred to M^r^ Attorney & Sollicito^r^ Gen^ll^ for their cognizance &c^a^

Coll Robothams Lre touching Land laid out at the port of Williamstadt & Ordr for proclamation thereon.

Vpon reading a Letter from the honoble Coll George Robotham of the 19th of ffebry instant, to his Excncy sent & directed, touching the Runing out of the Land at Williamstadt, pursuant to the Ordinance of Assembly setting forth that the Land formerly surveyed, contained 225 Acres for the Town & Common of Williamstadt; and that the last Order doth say 200 Acres; so that they have laid out 200 Acres, as also marked where the 225 Acres ended; therefore desired to know, which of the two should stand for good. That the price of the Lots (the Value of the Common included) is 310lbs of Tobo p Lot, and that severall persons laying Claime to the Land, so laid out, the takers vp thereof are at a stand whom to pay, therefore desire his Excncy would be pleased to Ordr a proclamation to issue, to be proclamed at Williamstadt: that all persons that have any Title to the sd Town or Common of Williamstadt aforesd that they may be compelled to make their Clame & proceed to prove their Title within such a space of time to be appointed; Wherevpon his Excncy was pleased to say, that as to the first, he should leave it to the determination of the Assembly, and as to the last did by advice in Councill Order, as it is hereby Ordered that Proclamation be prepared & issue accordingly to the said effect forthwith. Lib. H. D. p. 266

March the 2d 1695.

Produced a proclamation drawn vp to the intent aforesd the wch being Read, was approved off & signed by his Excellency & passed the Broad Seal of the province, and Runs in these following Words, Vizt

By his Excncy the Capt Generall &ca

A

Maryland ss: Proclamation

Proclamation touching Land laid out at Williamstadt

Whereas by Virtue of a late Ordinance of Assembly there has been Surveyed & laid out at the Port of Williamstadt, Two hundred twenty ffive Acres of Land for a Town, as also Two hundred Acres of Land more, for the Town Common, both which parcels or Dividents of Land have been likewise Viewed & Valued by a Jury of the Neighbourhood whereby each Lot is found to amount to the sume of Three hundred & ten pounds of Tobo payable to the Owner thereof, by the party taking vp the same by Law; But forasmuch as it hath been Represented vnto me, how that severall persons lay Clame to the said Land, so that the takers vp of the Lots are put to a stand to whom to pay

Lib. H. D. the aforementioned Tobacco due for taking vp the same; I have therefore (by advice in Councill) thought fit to publish & make known and I do hereby accordingly proclame & Ord^r^ that all persons laying any Clame to any part or parcell of the aforementioned Land so as afores^d^ laid out & Valued that they forthwith proceed to ascertain their Title by a due course of Law, so that the takers vp may know to whom they ought to pay the purchase Tobacco; And to the end due notice hereof may be given, I do hereby Command the Sheriff of Talbot County to make proclamation hereof within the port & Town of Williamstadt afores^d^ and in all Churches & places
p. 267 of publick Meeting therevnto adjacent to which all persons concern'd are to yield due obedience at their perill; Given vnder the Broad Seal of the provence this second day of March, in the Eigth year of the Reign of our Soveraign Lord King William the third &c^a^ Annoq Domini, 1695/6

God Save the King ffr: Nicholson

Ord^r^ for prosecution of the Vestrymen of S^t^ Pauls parish in Talbot County

Vpon reading the Return of the Vestrymen of S^t^ Pauls parish in Talbot County, wherein was exprest a certain Article of 5 ℔ Cent allowed to M^r^ Wright (one of the s^d^ Vestrymen) for collection of 10000^lbs^ of Tob^o^ being referred to M^r^ Attorney & Solicito^r^ Gen^ll^ for them to make Report whether the s^d^ Allowance was legall or not, did Report that the same was illegall & against Law; Ordered that they make prosecution thereon ag^t^ the s^d^ Vestrymen accordingly.

ffeb^ry^ the 28^th^ 1695/6

M^r^ Attorney & Sollicito^r^ Gen^lls^ Report vpon the Ord^r^ of Reference yesterday made to them from this Board touching the Chancery business, being here produced & read was approved off; who being of Opinion that a new Commission must necessarily issue; Ordered therevpon that a new
Whitehall Chancery Commission issue forth of the Secretaries Office accordingly, with a clause therein, to set forth the occasion thereof, Viz^t^ the present indisposition of the hono^ble^ Coll Henry Jowles (if that Clause can be inserted according to Law) and that the hono^ble^ Coll Nicholas Greenberry & the two former Commission^rs^ be inserted in the s^d^ Commission for this terme, pretty much Business being now depending in the s^d^ Court.

March the 6^th^ 1695/6

Commissionrs in Chancery Sworn &ca

The hono^ble^ Coll Nicholas Greenberry, Kenelm Cheseldyn Esq^r^ & Maj^r^ Edward Dorsey had severally administred vnto them the Oaths appointed by

Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy as also the Oath of Commissioner for keeping the Broad Seal &c[a] & subscribed to the Test before his Excell in p[r]sence of the hono[ble] Coll Charles Hutchins & James ffrisby Esq[r] the other Gentlemen of the Councill being gone out of Town, and the Court of Chancery being of necessity to sit to Morrow, by reason of several persons attending thereon; therefore the s[d] Commissioners were now sworn as above, and a Commission for the same signed by his Ex[ncy] & passed the Broad Seal was delivered to them at the Board accordingly. Lib. H. D. Whitehall p. 264

ffeb[ry] the 29[th] 1695/6.

The Councill again Sate & were p[r]sent as before.

Summons for Priest Hall Ordered.

Ordered that the Sherriff of S[t] Maries County Sumons M[r] Hall, the priest living at S[t] Inegoes in the s[d] County that (all excuses set a part) he be & appear before his Ex[ncy] the Govern[r] & Councill, at the port of Annapolis the last day of April next to Answer &c[a] and make known by what Authority or power he joyned together in the holy state of Matrimony M[r] William Bladen & M[rs] Ann Vansweringhen of S[t] Maries County aforesaid.

M[r] Robt Smith Representation touching Talbot County Justices

The hono[ble] Robert Smith Esq[r] Chief Justice of the Provinciall Court came before his Excellency in Councill & Certifyed that S[r] Thomas Laurence Baronet Secretary left in his custody (before he went out of the Country) a Commission constituting M[r] Thomas Laurence his Son, Clerk of Talbot County Court, and that he tendered the same to the Justices in Court sitting, who made answer they had appointed one before & therefore would take no notice of any other Commission; And further acquaints his Excellency that the said Justices had in Court also lately denyed the admission of a Writ of Error & supersedeas there brought before them; Whitehall p. 268

Justices of Talbot County Ordered to be prosecuted & a new Commission to issue &c[a]

Ordered therevpon as it is hereby Ordered that M[r] Attorney & Sollicito[r] Gen[ll] make due prosecution against the said Justices for such their contempt shew'd to the Kings Authority & for presuming to make a Clerk without any power for so doing; And further that the said Esq[r] Smith present a List of some other persons capable of being Commissioners for the said County in the room & stead of the others who sate in Court upon those matters.

Lib. H. D.

ffeb^{ry} the 29th 1695/6

Clk of the Indictmts of St Maries & Cal Co: Courts sworn

Came M^{r} Samuell Watkins Clerk of the Indictm^{ts} of S^{t} Maries & Calvert County Courts and tooke the vsuall Oath for the same accordingly

Whitehall

St Pauls Parish Vestry of Tal Co: Ret &c^{a} & Ord^{r} therein

A Return of the Vestrymen of S^{t} Pauls Parish in Talbot County being presented at this Board, wherein was set forth an Account of this years disbursem^{ts} as follows, Viz^{t}

To 606 Taxables in the parish at 40$^{lb\ tobo}$ $\mathfrak{p}$ poll is 24240$^{lb\ tobo}$

Disbursements Viz^{t}

	lb tobo
To Thomas Beckles Clerk	2000
To the Workeman for covering the Church	2800
To the Sherriffs Sallary at 5 $\mathfrak{p}$ Cent	1210
	6010
Remaining	18230
	24240

Ordered that the remaining part, amounting to the Sume of 18230^{lbs} of Tobacco be by the Sherriff of the said County paid vnto the Reverend M^{r} John Lillingston Minister of the s^{d} parish, pursuant to the directions of the Act of Assembly of this province in that case and to no other person whatsoever, notwithstanding any former Ord^{r} or directions of the s^{d} Vestry to the contrary; provided the said M^{r} Lillingston perform the worke according to promise.

March the 2^{d} 1695/6

The Councill again Sate & were p^{r}sent as before.

John Tench Navigation Bond for the Ship Expectation Ordered to be prosecuted

Whitehall

His Ex^{ncy} producing to the Board a Letter from the Commission^{rs} of his Ma^{ts} Customs of the 10th of June past to his Ex^{ncy} sent & directed, setting forth that M^{r} Patrick Mein Surveyo^{r} Gen^{ll} at Jamaica had by Letter of the 25th of March past informed them concerning a ship called the Expectation, John Tench Master from Maryland, that he had discharged at Carosoa Sixty hogsheads of Tobacco, and that Jackson the Owner dyed there being an inhabitant of Talbot County within the District of Petuxant, desiring that Ord^{r} might be given for putting the Bond (taken for the s^{d} ship) in strict prosecution. Afterwards produced the said Bond signed by John Tench, Master of the s^{d} ship & William Sharpe the security; Wherevpon his Excellency was pleased to declare that he had formerly given Ord^{r}

for prosecuting the said Bond, and now seeing the breach of the same by the Letter afores[d] does more effectually appear; Ordered therevpon that a strict & speedy prosecution be (by M[r] Attorney & Solicito[r] Gen[ll]) made of the aforegoing Bond, and that the s[d] Bond & Letter be delivered to them accordingly. Lib. H. D.

Ord[r] touch- Capt Meech's Sloop & Goods &c[a]

Vpon advice by severall Letters from Somerset County rec[d] which by his Ex[ncy] were here produced & read concerning Cap[t] Thomas Meech Commander of the Sloop Speedwell, being a person imployed in his Ma[ts] Service to keepe cruising &c[a] how that the said Meech had been missing from his said Sloop for these severall Weekes past, therefore supposed to be drounded, which gave occasion to severall persons to go on Board, where they found one Man dead and another man almost dead, with severall Goods in her, whereof a List was here also produced; Wherevpon Levin Denwood of the afores[d] County came & appeared at the Board, who being asked thereabout does say that he is one of the persons who helpt to secure her, and that she now lyes in a Creeke just before his dore, and that he takes care to keepe a person constantly on Board every Night to looke after what is in her. Whitehall p. 272

His Excell demands to know of the Board what is to be done therein, saying that the said Meech was indebted to his Majesty in a considerable Sume in Virginia by a Judgm[t] recovered against him there, to the Value of three or ffour hundred pounds strl as also owed for some powder lent him in this province; Ordered therevpon that the said Letters & papers be Referred to M[r] Attorney & Sollicito[r] Gen[ll] for them to advize & make Report what proper methods are best to be taken, who (pursuant thereto) do advize th[t] (for security of his Ma[ts] Debt due from the said Meech) the s[d] Sloop & Goods may be Valued & Sold & the Account thereof returned into the Commissary Gen[lls] Office, there to be Registred vntill Administration shall be Granted to some person or persons in trust for the vse of his Majesty; Ordered therevpon as it is hereby Ordered, that the hono[ble] Coll David Brown George Layfield Esq[r] & Maj[r] Robert King do (vpon sight hereof) go & inspect, View & Value the aforementioned Sloop and Goods (except two Brass & two iron guns, a Blunderbuss & an Ancient, laid Claim to by Thomas Tench Esq[r] as Goods lent to the s[d] Meech) and after Appraisem[t] thereof made that they make Sale of the same to the best advantage for his Ma[ts] vse, And that they return a Copy of their proceedings into the Commissary Gen[lls] Office with all speed; it being considered that a present Sale of the said Sloop & Goods vpon the place Whitehall

Lib. H. D. there, may redound more to the benefit of the Estate, which would otherwise be chargeable to remove to this side; besides the same perhaps now lyes in a perishable condition.

March the 3d 1695/6

Mr Mason & Mr Clarke Ordered to take the aforesd Admrcon &ca p. 273 Vpon further Representation, Ordered, that the honoble Robert Mason Esqr & Mr Philip Clarke take care to inquire into, looke after & Collect what Goods, Tobacco or Debts whatsoever (properly belonging to Capt Thomas Meech) they can find or discover to remain lye lodged or be due to him within St Maries County or any other place; a true Inventory whereof they are to make, and the same (when got together to some convenient place) they are to produce vnto Mr William Whitehall Asqueth & Mr Thomas Beal of St Maries County aforesd who are hereby Empowred to Appraise & Value all such Goods & Tobacco as shall be produced vnto them, and after Appraisemt thereof made, as well the aforenamed Robert Mason Esqr and Mr Philip Clarke as William Asqueth & Thomas Beal aforesd are to dispose & make sale of the same to the best advantage (for his Mats vse) for & toward satisfying a Debt due from the said Meech to his Maty And that they return a true Copy of all their proceedings into the Commissary Genlls Office with all convenient speed, there to be lodged for satisfaction of the Creditors And it is hereby further Ordered that the honoble Kenelm Cheseldyn Esqr Comissary Genll do administer a proper Oath to the said Appraisers, And that he Grant Administration vpon the sd Estate, to Mr Robert Mason & Mr Philip Clarke to the Uses aforesaid.

Esqr Tench's Motion & Ordr for Guns &ca on Board Capt Meech's Sloop. Vpon Motion made by Thomas Tench Esqr that the Guns and Antient in Capt Meech's Sloop were by him lent vnto the sd Meech, and that they will be wanted in the new Vessell, belonging to Mr Davy, now bound for England; saying that the Guns lent were two third iron guns & two third brass guns together with a Muskatoon, which he desires may be left out of the Appraisemt of the other Goods, and that they may be brought & put on shore at Mr Philip Clarkes, at Piney Point, for the aforementioned Vessell to take in; Ordered that the Motion of the sd Esqr Tench be granted accordingly.

Coll Greenberry Order'd to lend Mr Tench 50lbs of powder &ca Ordered that the honoble Coll Nicholas Greenberry lend vnto Thomas Tench Esqr ffifty pounds of powder out of what powder lyes at present lodged with him, and that he take Esqr Tench's Receipt & Engagemt to return the same quantity in kind, by the first opportunity out of England.

Produced by the honoble Coll Nicholas Greenberry a Certificate from vnder the hands & Seals of Office of the Collector, ꝑ Customer & ꝑ Comptroler of the Port of Cowes, bearing Date the 10th day of June, Ao 1684, in discharge of John Thurbers Bond &ca for whom the sd Coll Greenberry being security, and the sd Bond is not at present to be found, does therefore humbly Move that the sd Certificate may be Entred in the Councill Book & provinciall Office, the wch was accordingly Ordered; The sd Certificate follows in these words, Vizt Lib. H. D. p. 274

Port of Cowes,

John Thurbers Cert. for discharge of Navigation Bond

Know Yee that John Thurber Commander of the ship Phillip of New York from Maryland his Maties plantation in America hath duly Entred in this ꝑort the 31th of May last & the sixth instant June, and put on Land Two hundred & ffifty hogsheads and a [Seal] parcell in Bulke Maryland Tobacco; being all the Goods & Merchandize taken in at his Majesties said plantation in America, and which hath here paid his Mats subsidy and Addi- [Seal] tionall Duty in discharge of his Bond this Voyage taken by the Chief Officers at the Port of Petuxant in Maryland afores as ꝑ Certificate thence Dated the Eigth of Aprill last, vnder the hand & Seal of Henry Lowe Collector Witness our hands & Seals of Office this tenth of June, 1684. Anno RRo Carl Scdj &ca xxxvj.

Tho: Cole Coll — Tho: Moore ꝑ Custr

W Bowles ꝑ Comptr

Mr Richd Smiths Accot of Arms dd to Coll Beal vpon Surrender of Mattapany & Ordr therein

Came Capt Richard Smith of Calvert County who acquainted his Excell & the Board that he was come to give an Accot of what Arms the Soldiers vnder his Command delivered in his presence vnto Coll Ninian Beale, at Mattapany house, vpon the surrender of that Garrison (in the time of the Revolution) to his Majesty Vizt 20 ffowling pieces & Muskets & one Carbine, being Arms belonging to private persons, saying that in pursuance of a former Ordr from this Board, commanding all private Arms that were taken away in p. 275 the time of the Revolution should be restored to the Owners of the same, he had demanded the aforementioned Arms of Coll Beale in right of himself & the other persons owning the same, but the said Coll Beale told him how that he had delivered the said Arms to Majr Cambell by Ordr of the persons then taking care of the Governmt Ordered that the said Capt Richard Smith do again apply himself to the said Coll Beale for the aforementioned Arms, and if the said Coll Beal can

Lib. H. D. produce no Receipt for the same by which they may be demanded, that then the s[d] Coll Beale make it his Business to have them forth coming & delivered to the Owners pursuant to former Ord[r]

Coll Casparus Herman's complaint ag[t] the Clifters Referred to the Court of Admiralty

Coll Casparus Augustin Herman making complaint to this Board how that by stress of the late bad weather he was unfortunately cast away at the Clifts loosing most of his Goods which were therein, not so much by the Wreck as by the evill Actions of severall persons, who (taking opportunity over his misfortunes) despoyled him of the greatest part thereof, especially the Liquours he had then on Board; Ordered that the s[d] Matter be Referred to the hono[ble] Nicholas Greenberry Esq[r] Judge of the Admiralty to make proceedings therein according to Law.

Matthias Mattison & Leonard Camperson psons Naturalized Sworn &c[a]

Ab. Ambrose sen[r] & jun[r]

Came Matthias Mattison of Cæcill County & Leonard Camperson of Kent County, persons Naturalized, who severally tooke the Oaths appointed by Act of parliam[t] to be taken instead of the Oaths of Allegiance & Supremacy and subscribed to the Test; as also Abraham Ambrose sen[r] & Abraham Ambrose jun[r]

March the 3[d] 1695/6.

Whitehall The Councill again Sate & were p[r]sent as before, with the Addition of the hono[ble] Coll Charles Hutchins & Thomas Brooke Esq[r]

Whitehall Produced & Read a Letter received from his Ex[ncy] the Govern[r] of New York of the 19[th] of ffeb[ry] past to his Ex[ncy] the Governo[r] of this province sent & directed.

Then was Read two former Letters Received by his Ex[ncy] from that Governm[t] with his Ex[ncies] Answer thereto, since the p. 276 last Councills sitting which was approved off & Ordered to be Entred in the Journall of the Councill among the other Letters; and that Answer be given to the last received Letter; concerning further assistance, which was done accordingly, and Read & approved off in Council and Ordered to be Entred also with the others: The said severall Letters, papers & Answers are as follows, Viz[t]

New York the 5[th] of October, 1695.

Govern[r] of New York's L[re] to his Ex[ncy]

S[r]

I Received your Ex[ncies] by M[r] Perry with the Bill of Exchange for £133: 8[s]: 7[d]: sterling and have Ordered the Collector to Return the Money and Enter it in

his Books, that it may be applyed as designed to alleviate the charge of the province so farr as it will go. Lib. H. D.

By our scituation We are a ffrontier to the ffrench of Canida and their Indians being in open Warr frequent incursions are made on both sides, Count ffrontiniack keeps 500 Men constantly at Mount Royall their next considerable ffort to Us and has this summer put ffifty Men and a years Provision into Cadaracqui a Regular ffort of stone & lime opposite to the middlemost Nation of our Indians from which ffort he galls & harasses them so that they crye aloud to me for assistance to beat them from thence which I not being able to give doubt the discouragem[t] may force them to a peace with Canida, then it will appear they are nearer to Virginia & Maryland than to New York. I am informed your settlements are scattered. This defection if it should happen will be of ill consequence I doubt both to Virginia & Maryland. I have been lately at Albany and given the Indians a large present of Arms, Amunition & Cloathing, but farr short of what is wanting for their Encouragem[t] This Cadaracqui diverts them from hunting so their whole dependance is vpon Us. I shall not be wanting in my Duty. By the way of New-found Land We hear Admirall Russell has taken ffifteen ffrench Men of warr and done a great deale of Damage to Marselles, I am Whitehall

Yo[r] Ex[ncies] humble Servant Maryland
Ben: ffletcher

Answer to the above Letter is as follows, Viz[t]

Port of Annapolis, Novemb[r] 29[th] 1695.

His Excell Answer to the Governr of New Yorks Lre

S[r]

I have the favour of your Excell of October the 5[th] and am very glad to hear of Admirall Russells good success ag[t] the ffrench and hope in God We shall hear more good News from England; but We have had no Vessell from thence this ffall, neither do I hear of any come into Virginia. p 277

I am not in the least conscious to my self that I have been any ways wanting in my duty to his most sacred Majesty according to the vtmost of my power, in assisting your Excell pursuant to her late Ma[ts] Royall Commands, but I cannot force Assemblies more than others, but it was the only reall quarrell I had with them about assisting your Excell Governm[t] of New-York; neither dare I go so farr as apparently to hazard the peace & quiet of this his Ma[ts] province. Whitehall

I am very sorry that your Excell had not enough to give your Indians at Albany for their Encouragem[t] and that the ffrench at Cadaracqui divert your Indians from hunting and

Lib. H. D. that the ffort there galls & harasses them, and that your Excell is not able to give your Indians assistance to beat the ffrench from thence; But Mr Tasker who waited on your Excy lately from this Governmt did by your Order bring vs a Copy of his Excell the Governr of Virginia's Letter to your Excell concerning sending their Quota of Men to Albany to be there by the ffrst of May next, so then your Excell will be 240 men stronger.

I design (God willing) that our Assembly shall meet in the Spring, for there is no doing of it in the Winter, in this Countrey, and then I shall lay before them your Excies Letter in the mean time hope that our three hundred & odd pounds may be some ways vsefull to his Mats service in your Excies Governmt And I hope my very good friends William Nichols & Chidley Brook Esqrs whom I hear your Excy hath sent to England will be able to do his Majesty good service, which to hear of will be very acceptable to

Yor Excell most humble Servant

Governr ffletcher. ffr: Nicholson

Sr

Governr of New Yorks Letter to his Excell

I have received yours of the 29th of November but have no further Accot of Admirall Russells Action at Marselles than the Report from New-found Land, which yet wants confirmation, I am big with expectation of the good success of his Mats forces both by Sea & Land
p. 278 this last year and do always pray & wish that he may be successfull against his Enemies and the Enemies of our Religion & Nation.

Whitehall

His Majesties Councill of this province are no less sensible of your Endeavours to strengthen Vs than I am and the 300 & odd pounds transmitted to Us from Maryland vnder your care is Received with thanks & applyed to the proper vse and a fair Representation thereof made to the Lords of the Committee. Mr Brooks & Mr Nicholls sent from hence have Instructions to make a fair & true Representation of the circumstances his Mats Subjects of this province are vnder in relation to our present Warr with the ffrench of Canida & the asssistance We have from the adjacent Colonies which I hope may be of good Effect, not only to Us but to our Neighbours.

As to the Quota of Men from Virginia, I cannot depend vpon them, Sr Edmund Andros having the same Reason from his part as you from yours that he dare not go so farr as to hazard the peace & quiet of that his Mats province.

The Copy of Sr Edmunds Letter was desired by Mr Tasker & sent at his instance, not a particular Ordr of my own.

That the ffrench are endeavouring to debauch our Indians is apparent, it is their intrest and I am doubtfull by their

repossession of this ffort of Cadaracqui they will force or fright them into a complyance (I am of oppinion it is absolutely necessary for his Ma^ts^ service to support the ffive Nations of Indians) the service they perform against the ffrench cannot be easily done by Christian forces without a charge greater than the Province can bear the Revenue whereof being exhausted by the dayly charge of the Warr and notwithstanding an Additional Duty raised for payment of the Debts of this Governm^t^ the Emergencies that happen dayly are so great that all is expended and the province some thousand pounds indebted and this I cannot avoid vnless I have some assistance of Men or Money. Lib. H. D.

I see the sad experience of an Indian Warr in New England at this day where notwithstanding the English are very numerous have many Towns and the Enemy (as is said) not above 300 yet these Infidels gain dayly vpon them. p. 279

I dont question your Excell^s^ Zeal for his Ma^ts^ service & the publick good and hope by your influence the next Assembly of your province may be induced to a consideration of their Neighbours hardships and the ill consequences of a ffrench power growing & incroaching vpon his Ma^ts^ Subjects, not only of New-York, but of all the rest of his Ma^ts^ Territories & Dominions of this Main of America.

I send inclosed the Copyes of the last intelligence I had from New-England When any News comes to me it shall be communicated to yo^r^ Excell by

Yo^r^ most humble Servant
Ben: ffletcher

The Intelligence from New-England follows, Viz^t^

Copy

Intelligence from New-England

S^r^ In my last I gave you an Acco^t^ of the Arrivall of a Vessell from Canida, which was dispatched from hence to fetch home our prisoners there, and also sent you a Copy of Count ffrontiniacks Letter directed to my self received by the said Vessell, since which M^r^ Mathew Carey, who was imployed vpon that occasion has delivered a further information in Writing vnder his hand of some things which occurred whils't he was at Quebeck, of considerable import, a Copy whereof I here inclose for your Ex^ncies^ satisfaction & advisem^t^ what improvem^t^ may be made thereof I have at present kept it private here, its only with my self & the Secretary; he had the Account thereof from severall Officers there, principally from the person whose name & quality is mentioned in the Marjant of the said Information, he also told him that he was Whitehall

Lib. H. D. determined to get to England & to wait vpon his Ma^{ty} and give him a full Acco^{t} of the State of that Countrey & the disposition of the people there, herewith is also transmitted a List of severall prisoners belonging to your province, in the hands of the ffrench, besides some that are with the Indians, I am

Yo^{r} Excell affectionate ffriend
Boston, Novembe^{r} 25th 1695 & very humble Servant
A true Copy Wm Stoughton
David Jamison
C of Concil.

p. 280 To his Excellency Benjamin ffletcher &c^{a}

Monsr De Laragterie Capt of Marine Detachmt The information of Mathew Carey received from severall ffrench Protestant Officers & Soldiers at Quebeck

ffirst of the great oppression they now lye vnder,
Copy counting themselves more as slaves than Christian Subjects, Reasons for which is.

That all Officers through the ffrench Kings necessity are Ordered a stop to the halfe part of their yearly Sallary towards the maintenance of the Warr.

Whitehall The poor Soldiers so imposed on that their Wages is so stopt towards the paym^{t} of their Cloaths, has not remaining more than a penny p day which with the scarcity of provision & other necessaries compells them to live in miserable poverty besides the great severity & oppression of an Arbitrary Govern^{r} who compells them at all Seasons, without respect to quality, Age or youth to sacrifize their lives to the Rage of the cruell and merciless heathen, which (if they escape) often perish by hunger & cold. These with a great desire of the protestant Liberty does create in them an earnest desire to be vnder the English protection. To Effect which they have proposed these following methods. As New-York being the most nigh, and the way they are most acquainted with thither, they would daily desert, had they a sure protection from the Maquass Cruelty, who have already murdered severall in making their escape to Us; so that it might be very necessary for the Govern^{r} of New-York & Albany to forbid the same & rather encourage & cherish all those not coming in a hostile manner part of these disaffected soldiers & Officers are now Garrisoned at the ffort of Cadaracqui, which secretly sent me intelligence that if the Govern^{r} of New-York would Ord^{r} a party of Men to Attack them, and before an Assault, made to send a summons for the surrender with promise of fair quarter & Christian like Usage they may expect it to be delivered without blood shed, wherein may be found good store of

Arms, Amunition & provision laid there for the retreat & recruit of their Army of ffifteen hundred Men, designed in January next to invade Albany; ffive hundred of which is intended to beset the Maquass, whilst the other part lyes pardue, expecting ffort Albany will be weakened & neglected by soldiers being drawn forth to the Maquass assistance at which time they design with the thousand to assault it. Moreover being credibly informed of the great desire the Ottowa Indians have to be at peace with the English & Maquass of Albany they being a stout numerous & Warlike Nation, whose number, courage & trade the ffrench dreads the loss off Severall of the Chief in request among them have earnestly intreated some of our English Captives to the ffrench to advertize the same to the Governo^{r} of New-York and that if he will send his Maquass with terms of peace they will readily Agree to it, many of them not only so, but will joyne in a body of a thousand with the English & Maquass of Albany to invade any part of Canida, and likewise bring all their great Trade of peltry to Us, being much more near to them than Canida, all which will prove of very great loss & disadvantage to the Enemy. Mat: Carey Lib. H. D. p. 281

A true Copy Examined p
Novemb^{r} 25th 1695 Isa: Addington Sec^{ry}

His Ex^{ncies} Answer to Govern^{r} ffletchers Letter follows, Viz^{t}

Port of Annapolis, ffeb^{ry} 4th 1695/6.

Sr

His Ex^{ncies} Answer to the Governr or New York's Letter

Your Excellencies Letter of Decemb^{r} 13th I have and am very sorry that I cannot send the confirmation of the News about Admirall Russell, but by an Acco^{t} which I have from London & Bristoll of the begining of November, he was safe Arrived in England with most of the ffleet, and that S^{r} George Rooke was gone with a Squadron to Command in the Streights. Whitehall

His Ma^{ty} (thank God) was safe Arrived, the Parliam^{t} was dissolved and a new one choosing.

Inclosed is a Copy of a Letter which I had from Messiers Perry & Lane and send it you all that you may see the strange alteration about Guineas, gold & silver, and Trade; and particularly what concerns ours.

I daily expect a ship from London, and I hear I have Letters in her, and suppose the Whitehall ones are there for I have had none from thence yet. p. 282

I hope M^{r} Brooks & M^{r} Nicholls are safe Arrived in Enggland, & suppose they will make no other than a fair & true Representation of the circumstances of his Ma^{ts} province,

Lib. H. D. vnder your Excell Comand as also of the assistance you have Received from the adjacent Colonies. As to what relates to this his Ma^ts^ province, I send home by all opportunities the whole Proceedings with the Copy's of your Ex^ncies^ Letters to me and mine to you.

If you dont depend vpon the Quota of Men from Virginia, then I was misinformed, and S^r^ Edmund Andros is not the only Govern^r^ which hath comply'd with her late Ma^ts^ Royall Commands, for if he should only send your Ex^ncy^ Money, then this his Majesties province hath been before hand with that of Virginia.

If your Excell please let me have an Account, how much Money hath been sent from Virginia to your Governm^t^ (I think in my time there I sent Two hundred & odd pounds) I will lay it before our Assembly, which I design (God willing) shall meet this Spring; but cannot fixe the time till it please God I hear from Whitehall; for We expect our London ffleet within a Month. I am very sorry to hear that your Province is in Debt, but We are their brethren in the same calamity; But I hope that the farther good success of his Ma^ts^ forces by Land & Sea will cause a good Trade & so bring vs out of those vnhappy circumstances. I am obliged to your Excell for sending me the intelligence that you had from the Govern^r^ of New England, and I had dispatched Perry sooner to you, but We have had lately a great snow. When I have any later News from England and I find that your Excell hath it not, it shall be sent your Excell by him who is

Yo^r^ most humble Servant

Govern^r^ ffletcher — ffr: Nicholson

Perry is to give your Excell the printed News

Copy of his Ex^ncy^ the Govern^r^ of New-Yorks Letter read in Councill the 3^d^ day of March, A° 1695/6, Viz^t^

Govern^r^ of New York's L^re^ to his Excell.

New York 19^th^ ffeb^ry^ 1695/6

Sr.

p. 283 Your Excell^s^ by M^r^ Perry ffeb^ry^ the 4^th^ came to hand for which and your inclosed News, I return thanks, a Briganteen from Bristoll seaven Weeks passage brought all those publick papers I must acknowledge the Money rec^d^ from your province it is farr short of the charge of 160 Men (the Quota of your province assigned by her late Ma^ty^) w^ch^ at 12^d^ a day (Men cannot be had for less in this Countrey) with their Whitehall proper officers, transportation & incidents will amount to 4000^lb^ p Annum.

The Bills drawn by Coll Copley for £: 362 : 8ˢ : being protested were not only a disappointmᵗ but a Charge to this province. There is reason & Argumᵗ enough for supporting the Indians of the ffive Nations from the conveniency & safety they bring to Us and the neighbouring provinces if it were decent to offer any after the Royall Command; It costs this Province in presents & the Charge of treating & Cajolling these Indians at least 2000ˡᵇˢ ꝑ Annum besides the constant Charges of the Garrisons, I have advice of Seaven hundred ffrench come to Canida last fall with Seaventeen Saile of Ships and Stores. Count ffrontiniack is now again busy to debauch our Indians. Lib. H. D.

I have met with many disappointmᵗˢ from the Neighbouring Provinces yet must not suffer the ffrontiers to be neglected. I have done and shall not Cease to do all I can with so small a handfull of Men & less Money. This province lyes vnder heavier Burthens than this paper can express I must confess it is vtterly impossible for me to put the ffrontiers in such security as I desire & they ought to be without help. Therefore I further apply my self to yoʳ Excell for assistance, according to her late Maᵗˢ Letter, I do not question but that you may influence the next Assembly to a further consideration of the heavy Burthens that lye vpon this province and the great necessity of granting a suitable assistance & am Sʳ.

Yoʳ Excellˢ humble Servᵗ

Ben: ffletcher

Answer to the sᵈ Letters follows, Vizᵗ p. 284

Port of Annapolis, March the 3ᵈ 1695/6

His Excellˢ Answer to Governʳ of New Yorks Letter

Sʳ

Yours of the 19ᵗʰ of ffebʳʸ past I received, the which I have communicated to his Maᵗˢ honoᵇˡᵉ Councill together with your Exᵉᵉᵉˢ former Letter of the 13ᵗʰ of December & my answer thereto of the 4ᵗʰ of ffebʳʸ past Having not Received his Maᵗˢ Royall Commands from England by reason none of the ffleet is yet come in our Assembly is not to meet till the last of Aprill, but then God willing your Excellˢ Letters shall be communicated to the House of Burgesses, and I shall not be wanting according to my Duty to have her late Maᵗˢ Royall Commands complyed with. Your Excell not letting of me know, according to my former desire how much Money hath been sent to your Governmᵗ from that of Virginia I fear may be a hindrance of not having any thing more done about the late Governʳ Copleys three hundred & odd pounds. I am very sorry to hear that the Governʳ of Canida is still endeavouring to debauch your Indians, But I Whitehall

Lib. H. D. hope in God his Majesty this year will by his inimitable Valour & Conduct, bring the ffrench so low, that they will not be able to send any more Assistance to Canida, which to hear off will be very acceptable to Yo^{r} Ex^{ncies} most humble Servant
Govern^{r} New York. ffr: Nicholson

Comissionrs of the port of Williamstadt Ret. approved off &c^{a}

Vide Minutes touching Coll Robothams L^{re} & Ord^{r} inde ffol 265

Read a Return of the Proceedings of the Port & Town of Williamstadt touching the laying out of the Town & Common in that place and severall Orders by the s^{d} Commission^{rs} made, the which were well liked and approved off and returned to them indorsed accordingly.

M^{r} Withers Return touching the 6000^{l} of tob^{o} Ordered towards the Church at Williamstadt & Ord^{r} inde

Vpon the Return made by M^{r} Samuell Withers late Sherriff of Talbot County of a certain Ordinance of Assembly directing him to reseive & keepe in his hands what Tobacco of the 40^{ll} tobacco ꝑ poll that was not Collected & paid to the Vestrymen of the said County, Anno 1693 should be Reserved & kept towards the building of a Church at Williamstadt, the said Withers made Return thereon that he shewed the
p. 285 said Ordinance to the Vestrymen of S^{t} Michaells Parish, notwithstanding which they Ordered M^{r} Goldesborough Attorney at Law to bring their Action against him, who did accordingly and got Judgment. Vpon a Return also of the said Withers made vpon an Ord^{r} of the 21th of November last from his Ex^{ncy} sent, thereby commanding him to still keepe in his hands six thousand pounds of Tobacco by him Leavyed within the parish of S^{t} Michaells, notwithstanding an Ord^{r} of the House of Burgesses to the contrary the said Order never having passed his Ex^{ncy} nor Councills Assent whereby to suspend or take off the former Ordinance; to which the said Withers did Return that the said Tobacco he had still in his hands and shew'd the said Order as well to the Commissioners of Talbot County in Court sitting as to the Vestrymen of S^{t} Michaells parish, who tooke no Notice thereof, but insisted vpon executing him for the same; therefore prayed that a stop might be put thereto and some further Ord^{r} given what to do with the Tobacco; Ordered therevpon as it is hereby Ordered that the said matter be Referred to M^{r} Attorney & Sollicito^{r} Gen^{ll} for them to direct & advize which way the s^{d} Execution may be stopt, and that they take care fortwith to prosecute as well the

Commissioners as Vestrymen afores[d] for conteming the afore- Lib. H. D.
mentioned Ord[r] & Ordinance; and that Samuell Withers pay vnto the hono[ble] Coll George Robotham, one of the Commission[rs] of the Port of Williamstadt the aforementioned Sum̄e of Six thousand p[ds] of Tobacco and that the said Coll Robotham take care to sell & dispose of the same to the best advantage, either for Bills of Exchange or ready Goods, the which is to be appropriated towards the building a Church at Williamstadt, pursuant to the aforementioned Ordinance of Assembly.

Hugh Wrights pet. touching Timothy Neals Escape & Ord[r] for prosecution inde

Vpon a petition of Hugh Wright of Ann Arrundell County presented at this Board, setting forth the Escape of one Timothy Neal, a prisoner Committed to his custody charging one Gad, Collyer & ffenyer, persons whom he had pressed to his assistance to be the principall occasion thereof, through means of their disobedience shown to the Authority he then had; Ordered that the said petition together with certain Depositions taken for proof of what is above alledged be delivered to M[r] Attorney & Sollicito[r] Gen[ll] for them to make due prosecution thereon according to Law.

Read the following Return p[r]sented by the hono[ble] Coll John p. 286
Addison for Military & Civill Officers to be constituted & Whitehall
appointed in Prince Georges County by Act of Assembly lately erected, the said List is as follows, Viz[t]

Military & Civill Officers p[r]sented for Prince Georges County

A List of Civill & Military Officers for Prince Georges County, Viz

M[r] W[m] Hatton Justice of the Provinciall Court.

Justices of the County

M[r] Thomas Holliday
M[r] W[m] Hutchison
M[r] W[m] Barton
M[r] John White
} Quorum

M[r] Rob[t] Bradly
M[r] W[m] Taneyhill
M[r] David Small
M[r] Robert Tylor
} Justices

Militia Officers

M[r] Tho: Holliday Lievten[t] Colonell
M[r] W[m] Barton Maj[r] Whitehall
M[r] John White Cap[t] of ffoot
Cap[t] Rich[d] Brightwell Cap[t] of horse.
M[r] Rob[t] Wade Cap[t] of horse in Piscattoway Parish
George Athey Cap[t] of ffoot in the same.
M[r] Thomas Greenfield for Sherriff.

Lib. H. D. The same was Approved off & Ordered that the persons therein named for Justices of the said County be Commissionated accordingly, and that pursuant thereto a Commission of the peace & for Tryall of Causes issue forth of the Secretaries Office, according to the form of the other County Commissions, and that Mr William Cooper be therein constituted Clerk of the sd Court, according to former Ordr of this Board, and that Mr Thomas Greenfield be Commissionated Sherriff of the sd County, who are all to Meet & sit to hold Court at Mount Calvert the 23th day of April next, being the time directed for the Act to take place, and further that power be given in the Dedimus for to administer the Oaths appointed by Act of parliamt to be taken instead of the Oaths of Allegiance & Supremacy, as well vnto the severall Officers of the said Court admitted, as to the Justices aforesd and tht they be all obliged to subscribe to the Test.

Commission of the peace &ca for Prince Georges County Ordered to issue

Coll Addison Ordered to Regulate the Militia of Prince Georges County,

Whitehall Ordered that the honoble Coll John Addison, Chief Commander & Military Officer of Prince Georges County do Regulate, Order & appoint the severall Military Officers within the same, according to the List by him presented at this Board, and pursue & follow the severall Military Instructions to the severall Counp. 287 ties of the Province hence formerly issued, and make Return accordingly,

Ordr of Reference to the Attorney & Sollicitor Genll touching the Sffes of the Divided Counties

Whitehall Ordered that it be Referred to Mr Attorney & Solicitor Genll whether the Sherriffs now at prsent Officiating & Acting in the late divided Counties can legally continue to Act in their severall places, in the Counties as (by the late Law) they stand now divided, and whether the Commissions of the peace &ca ought not to issue, and that they make Report of their Opinion therein vnto this Board with all speed; who make the following Return Vizt

The Attorney & Sollicitr Genlls Report thereon.

Whitehall We humbly conceive that after the day in the Act of Assembly mentioned for dividing the Counties, the Sherriff of each County is not to Act beyond the limits of the County in the Act mentioned, And for prevention of inconveniency and for the better administring Justice, it would be requisite that the Commission to all Officers Judiciall & Ministeriall should be made to take Effect at that time, in the new Erected County.

Geo: Plater
Wm Dent

Ordrs & Instructions to the Rangers

Ordered that the Rangers by Act of Assembly appointed to keep Ranging vpon the ffrontiers of this province take care to settle themselves to inhabite (some time this Spring) beyond all the inhabitants plantations scituate vpon the ffrontiers as aforesaid, and that they keep an exact Journall of all their proceedings & observations made in their Ranging & return an Acco[t] thereof vnto his Excell at the Port of Annapolis, at least once a Month, if opportunity & conveniency of conveying the same offers; And that a new Lievten[t] from the Cap[t] of each party of Rangers be p[r]sented, who may be proper to assist & Officiate pursuant to the directions of the late Act of Assembly passed to the said Effect, hereby requiring those Rangers (so setling themselves) to cohabite & live vpon the settlem[ts] afores[d] all Winter And that the Commander of the Rangers vpon potomock do Range to the ffalls of patapsco and those of patapsco to Range to according as the Law directs Lib. H. D. Whitehall

And further that they observe the Law made about the Rangers, and that they make & marke severall paths & take care to take vp all suspicious persons travelling without passes, and that the Road which they find to be the best & nighest Road, that they double marke the same That they make severall Cabins vp & down the Woods & Cut down a great many trees thereabouts and make as great a show as they can of their being there, and that they Examine what Indians they meet with, and if they find them doing any vnlawfull Act, that they secure them, and vpon resistance that they vse force; and if there is absolute Necessity endeavour to kill them, but (if not) to vse them civilly & give them all lawfull assistance. If please God any accident should happen to them of meeting with an Enemy, that they imediatly send his Ex[ncy] an Account thereof, and that they send to one another, and to the Militia Officers scituate next vpon the ffrontiers, hereby commanding such Officers to Raise the Militia vnder their Command, for their Aid & assistance which said Militia Officers are immediatly to send to the Colonel of the County to give him an Account thereof, who is hereby Ordered to Raise the whole Militia of his County for their Aid & Assistance likewise. p. 288

Mr Randolph & Mr Platers Report vpon Symon Wilmores pet &c[a] & ffine Remitted thereon

The Report of the hono[ble] Edward Randolph Esq[r] Dep[ty] Audito[r] & George Plater Esq[r] his Ma[ts] Receiver Gen[lls] vpon an Ord[r] of Reference to them made from this Board concerning a petition here presented by Symon Wilmore of Kent County therein humbly praying the remittance of a ffyne of 2500[ls] [tobo] imposed vpon him by the Commissioners of Kent County in the time of the Revolution, being here Read & considered; Whitehall

Lib. H. D. Ordered that the same be Remitted according to the prayer of the Pet^r and to the Report thereon made that the same comes within the Limits of his Ma^ts Royall instructions for remittance.

Ord^r for Adjournm^t of the prov^ll Court & prorog-ation of the Assembly.

Vide ffol. 289

His Ex^ncy having sent for the Justices of the provinciall Court & Lawyers thereto belonging to know of them & advise what way, & method would be best for to bring the Business of all Actions &c^a there brought to be finished within the Circle or compass of a twelmonth, to the end a quick & speedy dis-

Whitehall p. 289

patch may be given to all process & proceedings there brought, especially Writts of Error, Demurrers & Appeals to be done at the least charge& trouble to the Countrey & most ease to the Justices & Lawyers,who accordingly appear,and the same being stated vnto them, his Excell Recommends that they consult & consider vpon the same against the next Assembly, to the end a Law may then pass (if occasion) for the regulating those Matters; as likewise then make answer in what nature Appeals ought to be brought, Viz^t whether the whole matter of fact vpon such

Proposall relating to Demurrers Writts of Error^s & Appeals

Whitehall

Appeal should be tryed a new or not. His Ex^ncy also puts to them what will be the best time of Adjourning the Provinciall Court to & holding the Assembly, who are generally of Opinion that the best & most convenient time for holding the Assembly will be the last day of Aprill, and of Adjourning the prov^ll Court to the second tuseday of May next, and Ordered that the s^d Court be accordingly Adjourned to the second Teusday in May & the Assembly by proclamation further prorogued vntill the last day of Aprill, and that Proclamation issue pursuant thereto, the which accordingly issued, was signed by his Ex^ncy & passed the Broad Seal of the province.

Prov^ll Court Adjourn'd & Assembly prorogued

The said Proclamation follows in these Words, Viz^t

By his Excellency the Cap^t Gen^ll &c^a

A

Maryland ss: Proclamation

Proclama-tion for Adjournm^t of the prov^ll Court & prorga-tion of the Assembly

Whereas the generall Assembly of this Province stands prorogued vntill the 20^th day of March instant, but forasmuch as the ffleet from England is not yet here Arrived, by which I expect his Ma^ts Royall Commands; and there being at present (God be thanked) no pressing vrgent business for their meeting so soon, I have therefore by advice of his Ma^ts hono^ble

Councill thought fit for the Reasons afores[d] to further prorogue Lib. H. D.
the said Assembly, And I do hereby proclaim & declare that I
do further Prorogue the same vntill the last day of Aprill next p. 290
by which time I expect the Arrivall of the ffleet & his Ma[ts]
Royall Commands therein ; And to the end due notice hereof
may be given I do hereby Command the severall Sherriffs of
the province to make Proclamation hereof in all publick
places within their respective Counties, as also give notice as
well to the severall Members of the Councill as to the
Burgesses & Delegates within the same that (all Excuses set
apart) they then severally appear at the Port of Annapolis to do
& consent vnto such things as (by the favour of God) shall then
& there happen to be ordained: And I do hereby further Com-
mand the said Sheriffs to give notice that the next Provinciall
Court will (God willing) be held the second Tuseday of May
following and that the Court of Chancery will sit the next
Munday after the begining of the Provinciall Court and the
Govern[r] & Councill for hearing Appeals & Writs of Error the
Wednesday after the Court of Chancery, vnto which all
persons are to give due & ready obedience as they & every
of them will answer the contrary at their perill; Given at the
port of Annapolis vnder the Broad Seal of the province this
ffourth day of March, in the Eigth year of the Reign of our
Soveraign Lord King William the third &c[a] Annoq Domini
1695/6. ffr: Nicholson

God Save the King.

ffeb[ry] the 29[th] 1695/6.

Then came Robert Brown before his Excell in Councill, Whitehall
who preferred the following petition, which was Read. Viz[t]

To his Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] & Govern[r] of Maryland.

The humble petition of Robert Brown.

Humbly Sheweth That heretofore there was an informa-
Rob[t] Brownss pet relating to the ship Anna Helena
tion exhibitted in the provinciall Court of this prov-
ince against the ship Anna Helena of Belfast,
Samuell Murthland Master, for breach of severall
Clauses of the Acts of Trade & Navigation, and that it hap-
pened vpon bringing the s[d] Information that a speedy Tryall
could not be had, wherefore your pet[r] to prevent loss of time
prayed that the s[d] ship might be Appraised, and that in case
she were condemned vpon the said information he might have p. 291
her at the Appraised Value that thereby he might be Encour-
aged to Repair & refit her for a Voyage, which was accord-
ingly granted him; that pursuant therevnto the said Ship
was appraised to thirty pounds sterling, for which the pet[r]

Lib. H. D. gave his Bond with the condition that if the s[d] ship should happen to be condemned he would pay the same for her, which was accepted off, but that the said ship was then cleared and now a new Information exhibitted against her vpon Breaches supposed to be made before the s[d] Appraisem[t]

Wherefore your Pet[r] humbly prays that in as much as he has vpon the Encouragem[t] of the Grant afores[d] bestowed a great deal of time & some cost in fitting the said ship a new, that in case she be condemned vpon this new Information, he may have the benefit of purchasing her on the former appraisem[t] and he will pray

Whitehall The said Petition was by Ord[r] indorsed as follows, Viz[t]

ffeb[ry] the 29[th] 1695/6.

Vpon the reading the within petition, it being considered that the Vessell will come vpon a new Tryall, therefore will give no further Order therein till Condemnation of the same pass.

Signed p Ord[r]
Hen: Denton C of Concil.

March the 4[th] 1695/6.

The Councill again Sate & were

p[r]esent,

His Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] &c[a]

The Hono[ble] Coll Nicholas Greenberry, Coll Charles Hutchins, Coll John Addison } Thomas Brook Esq[r], James ffrisby Esq[r]

Robt Browns 2[d] petition, touching the condemnation of the Ship Anna Helena & Ord[r] inde p. 292

Came Robert Brown aforenamed, who by his second petition humbly set forth that the afores[d] ship Anna Helena was (vpon a new Information lately brought ag[t] her, vpon breaches supposed to be made before the aforementioned Appraisem[t]) condemned thereon; Wherefore he humbly prayed that in as much as he has vpon the Encouragement of the afores[d] former Grant, bestowed a great deal of time & some cost in fitting the said ship a new, that he might have the same Grant now as before, Viz[t] That he may have her at the said Appraised Value what he hath expended vpon her since, being done vpon Encouragem[t] of the s[d] Grant, and he

Will pray.

The said Petition was by Ord^{r} indorsed as follows Viz^{t} By his Ex^{ncy} the Govern^{r} & Councill &c^{a} Lib. H. D. Whitehall

March the 4th 1695/6.

Ordered that the within petition be Referred to his Ma^{ts} Attorney & Sollicito^{r} Gen^{ll} for their advice therein, and in particular to George Plater Esq^{r} as his Ma^{ts} Receiver for them to make their Report thereon, and then some further Ord^{r} shall be given.

Signed p Ord^{r}
Hen: Denton C of Concil.

They Report as follows Viz^{t}

We humbly Certify our Opinion that since the Offence (vpon which the present condemnation is obtained) was committed before the Reparation was made, and that the Pet^{r} was Encouraged thereto by the Bond given as in the petition is suggested, and no new Seizure made for his Ma^{ty} that then there is no occasion for a new Appraisem^{t} but the former Value may be accepted, in case the persons that Valued the ship were on their Oaths. which is the Opinion of

Yo^{r} Excell^{s}
most obedient Servants
Geo: Plater
W^{m} Dent

They are Ordered to inquire whether the s^{d} Jury were vpon their Oaths or no & they make return accordingly as follows, Viz^{t} It is affirmed to Us by M^{r} Wriothesley that the Appraisers were vpon their Oaths, and that the same was sworn in Court whereof he was Clerk Geo: Plater
W^{m} Dent

By his Ex^{ncy} the Govern^{r} & Councill &c^{a}

March the 5th 1695/6.

The Ship Anna Helena being condemned, Order'd to be made over to Robt Brown

Ordered vpon the above Report that the petitioner have Grant of the within mentioned Ship at the rate of 30^{l} stel. according to Appraisem^{t} thereof already made, and that George Plater Esq^{r} take care (as his Ma^{ts} Receiver Gen^{ll}) for to secure of the pet^{r} the two third parts thereof pursuant to the directions of the Law, and that the s^{d} M^{r} Plater (if Required) give the pet^{r} in behalfe of his Ma^{ty} a Bill of Sale for the s^{d} ship. Whitehall

Signed p Ord^{r} Hen: Denton C of Concil.

Lib. H. D.

March 4th 1695/6.

List of persons prsented by Esqr Smith for Justices &ca

Came the honoble Robr Smith Esqr pursuant to the Ordr of this Board and presented the following List of Names, by him recommended to be appointed Commissioners for Talbot County, Vizt Capt James Murphey, Mr William ffinney, Mr Edward LLoyd, Mr Robert Goldesborough, Mr Thomas Bowdle, Mr William Hemsley, Mr Richard Tilghman, Mr Robert Macklin Mr Hugh Sherwood, Mr Thomas Robins junr Mr John Coppage & Mr Mathew Smith; Ordered tht the same be Commissionated accordingly, and that in Order thereto a Commission of the peace & for Tryall of Causes issue forth of the Secretaries Office, constituting & appointing the ffive first persons aforenamed to be of the Quorum.

Whitehall

Mr Solicitor Genls Motion touching John Valliant & Ordr mde for Commitmt &ca

Came Capt William Dent his Mats Sollicitor Genll and made motion on behalfe of his Maty that John Valliant, who was now brought here in custody of the Sherriff did detain in his hands the Records of Talbot County Court, being a person not qualifyed to Act as Clerk, neither by Commission from the honoble Sr Thomas Laurence Baronet Secretary, nor other legall Authority; as also keeps the Book of ffees and puts them into private hands to receive, therefore prayed that for the same & other illegall matters he had to bring against him the said Valliant might be committed into the custody of the Sherriff of Talbot County, there to remain vntil he shall thence be delivered by due course of Law; And further Ordered that the said Sherriff take into his possession the severall Record Books, Book of ffees, and all manner of papers & writings belonging to the said County Court, and that he make a List of the same & search the said Valliants house or other suspected places, where he supposes any such Books or Writings may lye lodged, and deliver the said severall Books & papers vnto the Clerk by Ordr now to be Commissionated: And Whereas information hath been made by Robert Mason Esqr (Attorney of Sr Thomas Laurence Baront Secretary) that Mr John Salter of Talbot County aforesd has taken upon him to Collect severall of the aforementioned ffees & has actually received severall Sumes of Tobo thereby Accruing, and that severall other persons have by the sd Valliant, been imployed in the like nature, to the great damage of the said Sr Thomas; therefore prayed Redress therein; Ordered likewise therevpon that the said Sherriff give publick notice & forwarn all persons within his County from either paying any of the said ffees to Valliant or receiving thereof for the sd Valliants Use; but that

Whitehall

p. 269

all the aforementioned ffees be collected by the s[d] Sherriff and that he call the said John Salter to Acco[t] and answer & pay the whole Tobacco he shall collect vnto Robert Mason Esq[r] Attorney of S[r] Thomas Laurence as aforesaid. Lib. H. D.

Sffe of Tal Co: Ret touching the paym[t] of 6000lbs tobo towards building a Church at Williamstadt Referred to M[r] Attorney Gen[ll] &c[a]

Ordered that it be Referred to M[r] Attorney & Sollicito[r] Gen[ll] the Sherriff of Talbot County's Return of the Ord[r] of the House of Burgesses relating to the paym[t] of Six thousand pounds of Tobacco, for & towards building a Church at Williamstadt, to know whether the House of Burgesses have power to make any such Ord[r] without his Ex[ncy] the Govern[r] & Councills assent, and whether the Justices of Talbot County could give Judgm[t] against the Sherriff vpon such an Ord[r] when an Ordinance of Assembly had been passed to the contrary before & had been shew'd to the Court, as also another particular Ord[r] of his Ex[ncy] since that.

Tho: Hebb appears & is Ordered to be Examined by the provi[ll] Justices & prosecuted &c[a]

Came & appeared Thomas Hebb of S[t] Maries County against whom Cap[t] Meech, Michaell Cheevers & other Depositions have been here read, touching his piloting a Vessell away for Virginia, after the s[d] Meech had seized her.

His Ex[ncy] demands to know whether he ever received a Commission from the late Govern[r] Copley his Ex[ncy] S[r] Edmund Andros Govern[r] of Virginia, or from himself for being pilote &c[a] who Answers he never did. p. 270

He is asked if he was a board the aforementioned ship, who does say he was; in the next place his Ex[ncy] askes him whether he knew that Cap[t] Meech had a Commission to looke after illegall Traders, who says that he did by Report hear such a thing; Ordered that the said Hebb be taken into custody & Carryed before the Justices of the provinciall Court, now sitting together with the Depositions & papers for their Examination, and that he be prosecuted & proceeded against according to Law.

His Ex[ncy] signs the Executions to Coll Darnalls Lists of ffees

Coll Henry Darnall came & brought severall Lists of ffees due to him for sealing Patents for Land &c[a] praying his Ex[ncy] would please to sign the Executions therevnto annexed, being before done by the late Govern[r] Copley & Coll Nicholas Greenberry, when president; And his Excell signed the same accordingly.

Officers not to exact more ffees th[n] by Law allowed, & no publick

Upon Representation, Ordered, that the severall Officers within this province, officiating in any publick imploy within the same, and to whom ffees for doingBusiness are properly belonging do not exact

Lib. H. D. papers to be carryed out of the port of Annapolis &ca

or take any other ffees than what by Law are setled or allowed to be taken; And that for the future no publick papers be carryed out of the port of Annapolis, but that all business there done, be made vp &
Whitehall finished in that place & the papers thereof lodged in their proper Offices there, hereby commanding the Sherriffs of the province to publish this Ord^{r} in all public places within their respective Counties.

Ord^{r} touching the Vestry's, what inside Worke they are obliged to perform in their Churches

Vpon Representation, Ordered that the Vestrymen of the severall and respective Parishes within this Province be obliged to perform & see finished, within their respective parish Churches, no other inside worke than Viz^{t} plastering the Walls, making the pulpit, the Reading pew & Clerks Desk, to pro-
Whitehall vide a Communion table & Raile in the same; And
p. 271 as for all other pews & seats, that the severall Parishioners be at charge of making the same according to their own liking. And it is hereby further ordered that the Sheriffs of the Province give Copy of this Order to the severall Vestrys within their respective Precincts.

March the 5th 1695/6.

The Councill again Sate & were p^{r}sent as before except Coll Addison.

Tho: Halls pet for Remittance of ffine Granted

Read a petition of Thomas Hall of Calvert County, therein praying the Remittance of a ffine of 1000^{lbs} of Tob^{o} inflicted vpon him by the Commis-
Whitehall sioners of the s^{d} Court, and the substance in the petition set forth seeming reasonable, it was Ordered that the said ffine should be remitted accordingly.

Mr Dan^{ll} Pierce Order'd to be Riding Surveyor in Cæcill County

Produced & read a rough draught of a Commission appointing M^{r} Daniell Pierce riding Surveyo^{r} of Cæcill County and the Counties adjacent, being by
Whitehall Order drawn for the better preventing the foule trade carryed on betwixt pensilvania & those parts, thereby Empowering the hono^{ble} James ffrisby Esqr to Administer to the said Pierce the Oaths appointed by Act of parliament to be taken instead of the Oaths of Allegiance &
p. 300 Supremacy & Test; as also the Oath of Trade & Navigation and that he take like Bond for his due performance of the said Office as vsually is given by the Navall Officers; the said Commission was approved off & Ordered to be Engrossed and th^{t} Copy of the Bond & Act of Trade & Navigation should be

given to Mr ffrisby in Order to pursue what by the sd Comis- Lib. H. D.
sion he is directed.

The said Commission follows in these Words,

Daniell Pierce Commission of Riding Surveyor &ca

Vizt. ffrancis Nicholson Esqr Capt Genll & Govenr in Chief of his Mats Province of Maryland, To Daniell Pierce of Cæcill County Gentl Greeting Whereas for the more vigorous & effectuall putting in prosecution the severall Acts of Trade & Navigation I do find it absolutely necessary & expedient that an Officer or Riding Surveyor be constituted in Cæcill County for the further & better prevention of the fraudulent & illegall Trade carryed on and managed betwixt Pensilvania & that place (notwithstanding my former care to obstruct the same) as by complaint I have Received; And putting speciall trust & confidence in your fidelity & diligence I have thought fit to constitute & appoint and I do hereby accordingly Authorize & appoint you the said Daniell Pierce to be riding Surveyor within all the Limits & prcincts of Cæcill County aforesd and the Counties therevnto adjacent, with full power & Authority to Examine all Masters of ships or other Vessells or bottoms whatsoever trading thither and to make search thereinto by breaking open any Chest, trunck, lock, truss or pack, as fully & amply as any Navall Officer within this province (by Law) might or could do; as also to make Seizures &ca And you are more particularly to keepe most frequently riding and have strictest reguard to those places by which such illegall Trade is carryed on & managed as aforesd and to strictly examine & search all Carts & Wagons, Boats, Shallops & Sloops transported over Land; As also to observe & yearly take an Accot (as well as possibly you can) of the quantity of Tobacco & Number of hogsheads made towards the ffrontier plantations adjoyning vpon Pensilvania in those parts; And for your better guidance to discharge the Duty of your sd Office, you are to be Ruled by & have Recourse to the severall Acts of Trade & Navigation in the Book of Rates set down, the Laws p. 301
of this province & all proclamations, relating to Trade, by me issued; And to observe all such further directions as from time to time you shall from me receive; You having first taken the Oaths appointed by Act of parliament to be taken instead of the Oaths of Allegiance & Supremacy & subscribed to the Test, as also an Oath for the due observance of the said severall Acts of Trade &ca hereby Empowering the honble James ffrisby Esqr to administer the same to you, as also take Bond as vsually given by the Navall Officers, the which he is to Certify to me accordingly, hereby desiring & commanding all Officers Civill & Military within this province and all his

Lib. H. D. Ma^{ts} loving subjects to be aiding & assisting to you the said Daniell Pierce in the due Execution of your s^{d} Office. And for your trouble pains & care herein you are hereby allowed & to have paid you the sume of Twelve pounds ster^{l} yearly during the continuance of this Commission; Given vnder my hand & Seal at the port of Annapolis the 5th day of March in the Eigth year of the Reign of our Soveraign Lord King William the third &c^{a} Annoq Domini 1695/6

The Oath of Trade & Navigation vsually Administred vnto the severall Collectors Navall Officers & Riding Surveyo^{rs} within this province, Viz^{t}

Oath of Trade & Navigation &c^{a} You shall swear that you will to the best of your skill & power so long as you shall continue within the of well & truly Execute & perform and cause to be Executed & performed all matters & things which by the Statute made in the 12th year of his late Ma^{ty} King Charles the second his Reign Entituled an Act for the Encouraging & increasing of Shipping & Navigation; and by the other Statute made in the 15th year of his said Ma^{ts} Reign, intituled an Act for the Encouragem^{t} of Trade, you are Required as Navall Officer within the District afores^{d} to be sworn to the performance of, and all the Laws of this Countrey relating to trade & Navigation. So help you God

p. 302 Oath of Allegiance &c^{a}

I. A: B: do Sincerely promise & swear that I will be faithfull to his Majesty King William the third &c^{a}

So help me God &c^{a}

I: A: B. do swear that I do from my heart abhorr, detest & abjure as impious & hereticall, that damnable doctrine & position that Princes excommunicated or deprived by the Pope or any Authority of the Sea of Rome may be deposed or Murdered by their subjects or any other power.

And I do declare that no fforraign Prince person, prelate State or Potentate hath or ought to have any Jurisdiction, power Superiority or Authority Ecclesiasticall or Spirituall within the Kingdom of England or the Dominions therevnto belonging.

So help me God.

Lr^{s} to the Sffe of Cæcill Co: touching Amos Nicholls &c^{a} Produced & read a Letter by Ord^{r} writ to M^{r} John Carvile high Sherriff of Cæcill County, thereby commanding him to get an exact Acco^{t} of the Number of hogsheads of Tobacco left in the said County last

year; and upon the peoples refusing to give him an Account he was thereon to make search & return the peoples names so Refusing, and that when he shall receive any new process against Amos Nichols & Cornelius Comegys, he should raise the posse of his County rather than faile taking them, the w^ch^ was approved off & Ordered to be sent accordingly. Lib. H. D.

Lre to Coll Brown Ordered to be writt

Ordered that a Letter be writ to the hono^ble^ Coll David Brown to give him an Acco^t^ of the Receipt of his Letter read in Councill, and th^t^ they are sorry for his present lameness, and have Ordered an Appraisem^t^ & Sale of Cap^t^ Meech's Sloop & Goods, His Honour, George Layfield Esq^r^ & Maj^r^ King being therevnto by the s^d^ Order especially appointed & that his Ex^ncy^ & Councill do expect his company here next Assembly.

Answer to Coll Jowles Lre by Ordr writ & sent

Ordered that Answer be writ to the hono^ble^ Coll Jowles's Letter of the 15^th^ of ffeb^ry^ past to his Ex^ncy^ sent and directed, being here read in Councill, to signify to him that in the first place they were sorry for his present indisposition And that having advized with the Kings Lawyers touching his request in appointing one of his Ma^ts^ hono^ble^ Councill to Officiate the Chancery Business in his stead, that by their Report the same could not be Granted & therefore considered & Ordered that a new Commision should issue constituting the hono^ble^ Coll Nicholas Greenberry & the two former Commissioners to Officiate for this term, and that as to that part of his Letter relating to Maj^r^ Dorseys Reports; to give him an Acco^t^ that Major Dorsey was sent for and appeared in Councill, who denyed any such abuses offered, but that if he can prove, the same, it is the Opinion of this Board, that he may have a good Action at Law against him, but that it was the Opinion & sense of the Board that Maj^r^ Dorsey should have halfe the profits of the Seals for what instruments pass the same when it was in the s^d^ Maj^r^ Dorseys custody. p. 303

Produced & Read a Proclamation & severall Orders issued vpon severall occasions (by his Excell^s^ Comand) since the meeting of the Councill in October last, w^ch^ were well approved off and Ordered to be Entered in the Journall of this Board, the which follow in these Words, Viz^t^ Whitehall

Lib. H. D.

By his Excellency the Cap^{t} Gen^{ll}

A

Maryland ss: Proclamation

a Proclamation prohibiting Seamen to travell without passes &c^{a}

Whereas diverse Complaints have at sundry times been made vnto me by severall Masters & Commanders of ships, how that their Officers & Seamen are frequently inticed & led away for Pensilvania & other adjacent Colonies as also Run themselves into many inconveniencies, through means of persons Entertaining & Receiving them into their houses at all time & times; Whitehall whereby is occasion'd, not only very great neglect and much loss & damage to the Mast^{rs} & Owners of such ships, but also exceeding detrim^{t} to his Ma^{ts} Royall Navy for want of such Seamen (so inticed & led away) returning for England, besides publick Reflections & scandall which may be brought vpon the Governm^{t} for the same, if not timely prevented; To remedy therefore for the future such an apparent & growing Evill, I have thought fit to publish, make known & Ord^{r} and I p. 294 do hereby accordingly proclaim & Command that no person whatsoever Military or Civill within this province, having a Plantation or otherwise keeping house, do hereafter any ways Entertain, harbour or Receive into his, her or their house or houses any Officer or Officers, Seaman or Seamen belonging to any ship or other Vessell trading within this province, vnless such Officer or Officers, Seaman or Seamen shall produce a good & authentick pass from vnder my hand or the hand & Seal of the Master of such ship or Vessell to which they belong, wherein shall be expressed the persons reall name or names, and that then they be no longer detained kept or Entertain'd, than the business they are sent vpon shall Require, vnder penalty of the party or parties (found offending contrary to the true intent & meaning of this proclamation) being proceeded ag^{t} according to the vtmost severity of the Law; And I do hereby likewise Notify & make known that what Officer or Officers, Seaman or Seamen as afores^{d} are (after publication hereof) found travelling without passes as afores^{d} shall be lyable to be taken vp and seized as Runaways and pay to the party so taking them vp according to the directions of the Law for Runaway servants. And forasmuch as severall Ord^{rs} &

Ord^{r} touching the Collection & disposall of the 40^{l} tob p poll

Ordinances of Assembly have heretofore issued to the Vestry's of the respective parishes within this province touching the Collection & disposall of the fforty ℔ poll, Viz^{t}, that where the same was left vncollected last year should be Collected this year, and that in Parishes where Churches are built & no Minister inducted, the same should be sold for Bills of Exchange or

ready Goods, this is to remind & Ordr all such Vestry's so Lib. H. D.
concern'd, that they duly comply with & observe the aforesd severall Ordrs & Ordinances being now well assured that Tobacco is & will be a good comodity this year. And I do hereby Ordr & Command that the said severall Vestrys do likewise take care & Ordr that a certain Act of Assembly of this province made in May last, Entituled an Act restraining the frequent assembling of Negro's within this province be published & read in their severall & respective parish Churches, ffour times every year, pursuant to the directions of the sd Act, And that all Negros (wandring or going abroad otherwise than as in the sd Act is directed) be taken vp & punished accordingly: And to the end due Notice hereof may p. 295
be given I do further Command that the severall Sherriffs of the province proclaim this in all Churches, Chappells & other publick Meetings within their respective Counties to which all persons concern'd are to yield due & ready obedience, as they & every of them will answer the contrary at their perill; Given at the port of Annapolis, vnder the Broad Seal of the Province, this 25th day of Janry in the 7th year of his Mats Reign &c. Annoq Domini 1695.

God Save the King ffr: Nicholson

On the back of the sd proclamation was writ the following Ordr Vizt

By his Excncy the Governr &c. Janry the 29th 1695

Sherriffs to Collect the Tobo from the publick Officers pursuant to the Act of Assembly Whitehall

Ordered that the Sherriff of each respective County within this province take care to Collect & receive this year, from the severall Officers living within their Bayliwick (having any place or places of profit) all such sume & sumes of Tobacco, as the Act of Assembly of this province has directed to be assessed and Leavyed from such Officers for the publick vse.

Signed p Ordr H Denton C of Concil.

By his Excncy the Governr &ca Janry the 25th 1695.

Ordr to the Colonels of the Counties relating to the fixing the publick Arms

Ordered that the Colonel of each respective County within this Province take care to get diligently Viewed the severall Arms belonging to the Countrey, wheresoever the same are lodged within their respective limits & Command; so that such Arms as are found impossible or difficult to be fixed here, be Whitehall
sent for England, by some safe & trusty hand to be fixed there; and further that they give notice to the severall Officers

Lib. H. D. having charge of any publick powder that they procure the same to be changed this ffleet; And lastly that they give Notice to all & singular the Command[rs] of the severall Troops & Companies for to signify to the Soldiers in generall that they omit not the opportunity of providing themselves with Arms & Amunition (pursuant to the Act of Assembly) this
p. 296 ffleet vnder the penalties in the said Act contained; Tobacco having yielded a good price last year and is likely to prove a good Comodity this year.

Eodem die.

Ordr touching Mastrs of Ships & Seamen

Ordered that the Collector of each respective District within this province, his Dep[ty] or Dep[ties] give notice to the severall Masters & Commanders of ships or other Vessells at their first coming in & Entry making, that they take care to vse their best & vtmost endeavor for to seize & secure any person or persons they shall find or dis-
Whitehall cover inticing away their Officers or Seamen and when apprehended that they deliver such person or persons vp to the next Justice of the peace, who is hereby directed & Ordered to cause all such persons so brought before him to be securely conveyed vnto his Excellency at the port of Annapolis, in Ord[r] to be proceeded against according to Law. And it is hereby further Ordered that like notice be given, that no Master or Commander of any ship or other Vessell coming in & Trading within this province, presume to discharge any Officer or Seaman vnder their Command, without first acquainting his Excell therewith, to the end such Officer or Seaman may reap the benefit of his Excell pass (gratis) to go about their lawfull occasions; and further that they suffer none of their Seamen to go out any where, without giving them particular passes, wherein the names of the severall Seamen going abroad with the same shall be exactly set down, which said passes are to issue vnder the Masters own hand & Seal, for fear of counterfiets.

Eodem die.

Rangers appointed in Talbot, Kent & Cæcil Counties, after the ffleets Arrival &c[a] to p[r]vent Seamen runing to
Whitehall Pensil

Ordered that the Colonel of Talbot, Kent & Cæcill Counties do (vpon first advice of the ffleets Arrivall) draw forth of the severall Troops & Companies within their several limits & Comand (by equall changes & turns) two Men a piece well mounted, accoutred & Arm'd, who are to keep constantly ranging vp at the heads of those Rivers by which people vsually pass into pensilvania, from the time of the s[d] ffleets coming in vntill their going out again in Ord[r] to prevent Seamen & others runing thither, hereby

Empowering them to take vp & seize all suspected persons they shall meet travelling thither (without good & legall passes) and to deliver them vp to the next Justice of peace, in Ord^{r} to be proceeded aga^{t} according to Law. Lib. H. D.

Ord^{r} to Capt^{t} Old-ton for taking vp suspicious psons &c.

Ordered that Capt^{t} John Oldton Commander of the party of Rangers in Baltemore County give Orders to his Men, as also take care himself, that whensoever he or any of them go forth vpon the Countrey Service, that they Range along Susquehanna River and Examine & take vp all suspected persons they shall find travelling without good & legall passes, by them to be carryed before the next Justice of the peace, to be proceeded ag^{t} according to Law. p. 297 Whitehall

Eodem die.

Wm York & Jacob Young to transport no persons over Susquehanna, without passes

Ordered that William York & Jacob Young persons authorized & appointed to keepe a publick house & fferry on each side Susquehanna River, transport or fferry no person whatsoever over the said River but what shall come with good & legall passes, And that they take vp all suspected persons travelling that way without such passes & carry them before the next Justice of peace, in Ord^{r} to be proceeded against according to Law. Whitehall

Eodem die.

Hue & Cry's & Runaway Servants vndiscovered to be sent forward to Annapolis, if the Mastrs are vnknown

Ordered that all Hue & Cryes for the future issued or sent after Runaways or others, be directed to be sent forward to the Port of Annapolis, and that a speedy Acco^{t} be likewise from all parts sent thither, where any Runaway Servants or Negro's are taken vp and kept in custody & the Masters of such servants or Negro's vndiscovered, and that the Sherriffs of the province publish this Ord^{r} in all places of publick Meeting within their respective Counties. Whitehall

March the 4th 1695/6.

Masters of ships & Merchants to be at the port of Annapolis 7th of May &c^{a} to be sum by the Colltrs

Ordered that the severall Collectors & their Deputies within this province take care to give Notice to all Masters & Merchants of ships which shall Arrive here this next ffleet, as also to such Masters & Merchants as shall be remaining in the province the next meeting of the Assembly that (all excuses set apart, except sickness or the like) they & every of them be & personally appear before his Excell at the port of Annapolis the 7th day of May next, being therevnto called for his Majesties speciall service. Whitehall

Lib. H. D. p. 298 — Ships (after the Arrivall of the ffleet) not to be cleared without leave

Ordered that (vpon Arrivall of the ffleet from England, now expected) an Embargo & stop be put vpon all ships & Vessells at present trading in the Countrey, and that the Collectors or their Dep^ties^ presume to Clear no such ships or Vessells as afores^d^ without some particular leave or further Ord^r^ received from his Ex^ncy^ for so doing.

Whitehall — Justices of the Co: Courts to finish all Business &c^a^ by March Court

Ordered that the Justices of the late divided Counties take Care (pursuant to former Ord^r^ from this Board) that they omit not to thoroughly finish all Business in their severall Courts depending, this present March Court.

Whitehall — Capt Brightwell to secure all suspicious persons &c^a^

Ordered that Cap^t^ Richard Brightwell Commander of the party of Rangers vpon Potomock River take care to Seize & secure all suspected persons he shall find travelling over the head of Potomock out of this province into Virginia or coming from thence hither, to be by him carryed before the next Justice of peace in Ord^r^ to be proceeded against according to Law, vnless they produce good & legall passes.

Whitehall — The broken Arms &c^a^ to be fixed out of the quart^r^ part of the Revenue

Ordered that the publick Arms belonging to this province, such as lye at p^r^sent broken & vnfixed, that the charge of fixing & repairing the same be born out of the quarter part of the publick Revenue of this province.

Whitehall — Prov^ll^ Attorneys to give thr Opinions how Juries may be Attainted in y^r^ Countrey

Ordered that the Attorneys pleading in the Provinciall Court of this province, return severally their Opinions vnder their hands what methods are to be taken for Attainting Juries in this province; whether the same can be done and in what case.

Georges Lingans Motion for a Commission of Review, Granted & Ordered

Came M^r^ Philip Clarke Attorney at Law, who (in behalfe of George Lingan of Calvert County) humbly Moved his Ex^ncy^ in Councill that vpon an Appeal by James Crauford made from a certain sentence of the Commissary Gen^ll^ relating to Adm^rcon^ granted vpon the Estate of John Abington of the Kingdom of England Merchant deceased, his Excell vpon the s^d^ Craufords petition formerly presented at this Board did grant a speciall Commission for a Court of Delegates, which said Court he humbly con-
p. 299 ceived had given an Erroneous sentence & ag^t^ Law to the great grievance of the s^d^ George Lingan, Adm^r^ by the Commissary Gen^ll^ legally admitted, in the right & for the vse of the Administrat^rs^ in England; therefore humbly prayed a Commis-

sion of Review might issue to Examine the s^d^ sentence of the s^d^ Court of Delegates; Ordered that a Commission of Review be accordingly prepared wherein the following persons are hereby constituted & appointed to be of the s^d^ Commission, Viz^t^ the hono^ble^ Coll George Robotham, Coll Nicholas Greenberry, Coll Charles Hutchins, Robert Smith Esq^r^ Coll S^t^ Leger Codd, Maj^r^ Robert King & M^r^ Edward Jones of Cæcill County vnless the hono^ble^ S^r^ Thomas Laurence Baron^t^ Secretary & Edward Randolph Esq^r^ come in, and that the same be heard & tryed the 5^th^ day of May next, whereof the s^d^ Justices appointed are to have due notice, as also James Crauford & George Lingan the parties concerned. Lib. H. D.

Coll Addison has leave to go home

The hono^ble^ Coll John Addison (vpon some pressing business calling him home) craves leave of his Ex^ncy^ & the Board to go, the which was granted vnto him. Whitehall

March the 6^th^ 1695/6.

The Councill again Sate & were present as yesterday except Coll Addison & Esq^r^ Brooks. Whitehall

Ord^r^ of Reference to M^r^ Attorney & Sollicit^r^ Gen^ll^ touching proof of Lres of Att in England &c^a^

Came the hono^ble^ Kenelm Cheseldyn Esq^r^ Commissary Gen^ll^ of this province, who producing to his Ex^ncy^ & Councill a certain procuration or Letter of Attorney from England, touching the Adm^rcon^ of Richard Charlets Estate the which came attested vnder the Common Seal of the Lord Mayor of London, whereby was signifyed that the same was proved before the Lord Mayor by one Evidence; Ordered that it be Referred to M^r^ Attorney & Sollicito^r^ Gen^ll^ for them to make Report vnder their hands whether such an instrum^t^ or Letter of Attorney ought to be admitted for authentick proof, without the Witnesses thereto appear here in the Countrey Viva voce, and whether one Witness is sufficient, and whether the Arch Bishop of Canterbury's prerogative power extends as farr as this province, having herewith sent a Copy of one of his Ma^ts^ Royall Instructions for their better directions therein. Whitehall

A Copy of one of his Ma^ts^ Royall Instructions, Viz^t^

And to the end the Ecclesiasticall Jurisdiction of the said Bishop of London may take place in that our province as farr as conveniently may be, We do think fit that you do give all countenance & Encouragem^t^ in the exercise of the same, excepting only the Colating to Benefices, Granting Lycenses for Marriages and probate of Wills, which We have Reserved to you our Govern^r^ or the Commander in Chief for the time being. Whitehall p. 304

Lib.H. D. His Excellency was pleased to demand the severall Opinions of the Gentlemen of the Councill whether they deem such proof aforementioned to be sufficient; Wherevpon was produced the two following Acts of Assembly, Viz[t] An Act for the Enrollm[t] of Conveyances & securing the Estate of purchasers, and An Act providing what shall be good Evidence to prove fforraign Debts, the which were Read; but it not appearing that either the s[d] Acts had prescribed any way for the proving Letters of Attorney or such like instruments, the same providing only for proof of Debts & conveying Lands, they are of Opinion that such proof as this day was shewed vnder the Lord Mayors Seal for proving a certain Letter of Attorney, is not sufficient proof in Law, nor ought to be admitted within this province for such.

a thanksgiving day &c[a] suspended till the Assembly

Whitehall His Excellency is pleased to declare that he intended to have appointed & set aside one day (this present Court) for a day of publick thanksgiving & Rejoyceing for the happy News of his Ma[ts] safe Arrivall & prosperous success against the ffrench, but considering the Weather now falls out to be so extream sharp & bad, and that the Assembly will shortly follow, at which time the said Matter may be performed in a more solemn manner, does therefore think fit to suspend the same vntill then.

The following two Lycenses Granted to the Labadees are by Ord[r] Entred, Viz[t]

Copy of Govern[r] Copleys Lycense to M[r] Vorsman the Labadee Minister

Maryland ss:

Lionell Copley Esq[r] Cap[t] Gen[ll] & Chief Govern[r] of their Ma[ties] province of Maryland & the Territories therevnto belonging, and Vice-Admirall of the same &c[a] To all people to whom these p[r]sents shall come Greeting.

Know Yee that forasmuch as Peter Sluyter als Vorsman of Cæcill County Clerk hath made it appear to me that he is an Orthodox protestant Minister Ordained according to the Maxime of the Reformed Churches in Holland—I have hereby Empowered, Authorized & appointed, as also given
p. 305 free leave Liberty and Lycence to him the said Peter Sluyter als Vorsman to joyne together in the holy state of Matrimony all such persons as are & be of his Society & no others whatsoever, without having further Lycense from my self or any publication at Church; Given vnder my hand & Seal this 28[th] day of Jan[ry] 1692/3

L: Copley

Maryland ss: Lib. H. D. Seal

His Excell Governr Nicholsons Lycense to Mr Vorsman the Labadee Minister

ffrancis Nicholson Esqr Capt Genll & Chief Governr of his Maties province of Maryland & the Territories therevnto belonging & Vice Admirall of the same &ca To all people to whom these presents shall come, Greeting.

Know Yee that forasmuch as Peter Sluyter als Vorsman of Cæcill County Clerk hath made it appear to me that he is an Orthodox protestant Minister, Ordained according to the Seal Tenets of the Reformed Churches in Holland—I have hereby Empowered, Authorized and appointed, as also given free leave, liberty & Lycense to him the said Peter Sluyter als Vorsman to joyne together in the holy State of Matrimony all such persons as are & be of his Society (provided the said persons shall actually have Resided in the said Society for the space of three Months before the Solemnity of Marriage passeth and no others whatsoever) without having any further Lycense from myself or any publication at Church or County Courts, Given under my hand & Seal this 4th day of October in the 7th year of his Mats Reign, Annoq Domini, 1695.

ffr. Nicholson.

March the 10th 1695/6.

Charles Kilburne Depty Marshall &ca sworn

Then came Charles Kilburne before his Excellency the Governr who producing a Commission for being Deptv Marshall of his Mats Courts of Admiralty on the Western shore, under the hand & Seal of Thomas Collyer Gentl Marshall of the sd Court had administred unto him the Oaths appointed by act of Parliamt to be taken instead of the Oaths of Allegiance & Supremacy p. 306 & subscribed to the Test, and had also Administred vnto him before the honoble Coll Nicholas Greenberry Judge of the sd Court, the Oath of Dept Marshall as aforesaid.

The following Paper by Order Entred, Vizt

Maryland ss:

Mr Wm Taylard's Certificate touching the provll & Land Records.

Whereas I find that Information has been made against me William Taylard vnderwritten that I should give out how that severall leaves have been torn out of some Record Books in the Secretaries Office since their Removall to this Port Annapolis—These are therefore to Certify that to the best of my remembrance I should say that the Land Office Records lay very indecent on the ffloor and that some leaves were loose & shattered, and without speedy care be taken of those Records they might be more abused or to that purpose, since which upon my summons before his Excncy the Governr to declare

Lib. H. D. what I knew in that matter, M^r^ Henry Denton, M^r^ Henry Wriothesley & myself did go to the s^d^ Secretaries Office & made inspection & particular scrutiny into the s^d^ Records & do not find any leafe amiss since their Removall afores^d^; the said Records being compared with the former List taken at St. Maries; Witness my hand the 13th day of March, Anno Domini 1695.

Witness, Charles Carroll — W. Taylard.
Hen: Denton
Hen: Wriothesley.

The Lords of the Courcills Letter to his Exn^cy^ touching the Conspiracy.

After our very hearty Commendations; It having Pleased Almighty God to Extend his mercy to these Kingdoms by the Continued Instances of his Divine Protection, whereof at this time We have had a most Signal Evidence by the happy discovery of a Traiterous and wicked Design against the Life of his most Sacred Ma^ty^ by assassination and for the Subduing these King-
p. 3 domes by the ffrench in Conjunction with other conspirato^rs^ many of whom are Secured in Ord^r^ to be brought to speedy Justice; as the attempts of our fforrign Enemies have been disappointed by the preparacons that have been made against them by Sea and Land, We doe hereby in his Ma^ts^ name, and by his Express Command Signifye the Same to you that you may forthwith make known So Wonderful a deliverance to all his Ma^ts^ good Subjects, under your Governm^t^ the Particulars whereof & proceedings, thereupon are more at Large Sett fforth in the Enclosed pap^rs^ And because upon this Occasion, and for the better Manning of the Royal ffleet to Oppose the Enemy, His Ma^ty^ hath found it absolutely necessary to Lay a General Embargoe for Some time upon all Ships outward bound and tradeing to his Ma^ts^ Plantations, We have thought it Requisite to dispatch this Express to You for the preventing any Malitious or Mistaken Informations, and for the Satisfaction of the Inhabitants of the s^d^ Plantations, not doubting but you and they will heartily Joyne with us in Expressions of Thanks to Almighty God for So Great a Blessing in the Preservation of his Ma^ts^ Sacred Person and Governm^t^ And So we bid you very heartily ffarewell; From the Councill Chamber at Whitehall this tenth day of March 1695.

Your very Loving ffriends.

J: Bridgewater — Norfolk & Marshall
Stanford — Bolton
H: Goodricke — Schonburg & Leinster
J Boscawen — Dorsett
Govern^r^ of Maryland: — Dursley
W^m^ Blathwayt

William R

Lib. H. D.

William the Third by the Grace of God King of England Scotland ffrance and Ireland Defender of the ffaith, &c^{ca}

To our Trusty and Welbeloved ffran: Nicholson Esq^{r} our Cap^{t} Gen: and Govern^{r} in Cheif of our Province & Territory of Maryland in America, and to the Govern^{r} or Commander in Cheif of our s^{d} province and Territory for the time being, Greeting, We do hereby Authorize you to vse the Seal of th^{t} our province & Territory Engraven with the Name & Inscription of us & our late Royall Consort Queen [Mary] of ever Blessed Memory, ffor Sealing all things whatsoever th^{t} Shall pass the Seal of our s^{d} Province and Territory under your Govern^{t} untill we shall give Ord^{r} for another Seal to be Engraven with our own Royall Name and Inscription only, Given at our Co^{rt} at Whitehall the ffourteenth day of March 1694/5 In the Seventh year of our Reign.

By His Majesties Command^{r}

I. Trenchard

Govern^{r} of Maryl^{d} to Use the present Seal till another be Ordered.

The following Letter being Received by his Excellency from the Govern^{r} of New York since the sitting of the last Councill, was Ordered to be Entred in the Councill Book together with his Excell^{s} Answer to the said Letter, and are as follows, Viz^{t}.

New York March the 28th 1696.

Govern^{r} of New Yorks Letter to his Excellency.

Sr

I take hold of this opportunity (M^{r} Smith the Bearer going your way) to put your Ex^{ncy} in mind of my last of the 19th of ffeb^{ry} past and of the great necessity there is of giving your assistance according to her late Majesties Letter many of the fforces late come over from the hardship they vndergo having only 8^{d} New York Money and the Countrey where they are Garrisoned laid Waste are ruin so that I must be necessitated without the assistance of the Quota to make as great detachm^{ts} of Men in this poor province as formerly which is a more heavy burden than the pay I do therefore again make Application to you for Quota and that the pay of those shall be wanting be transmitted for the ease of this Province and am S^{r}

p. 307

Yo^{r} Excell most humble

Servant Ben ffletcher

Lib. H. D. Maryland.

Answer to the s^d^ Letter, Viz^t^

Maryland, Port Annapolis Aprill 17^th^ 96.

His Excells Letter to the Governr of New York

S^r^ M^r^ Smith of Rode Island gave me your Excell^s^ Letter of March the 28^th^ and the Answer of your other of the 9^th^ of ffeb^ry^ had been despatched sooner but that I was in dayly hopes of the arrivall of our London ffleet, so that I might have sent your Excell some good News from England; but the last I have from Plymouth I send by Perry; and all my Letters (thank God) bring the good Account that his Majesty & the parliment Agree very well, and that they will comply with all his Ma^ties^ Demands. I am very sorry that the fforces which are lately come over vndergo any hardships and especially that they have but 8^d^ New York Money p diem, and I shall be glad to be any ways assisting to you, being a Wellwisher to Soldiers. And if all his Majesties Govern^rs^ vpon the Continent will give the Tithe of their Annuall Incomes towards bettering their condition, for my part, I shall most readily doe it. In the interim shall not now be wanting in my duty to Represent that Affair to our Assembly as it hath formerly been done by him who is

Yo^r^ Ex^ncies^ most humble
Servant
ffr: Nicholson

Govern^r^ New York.

At a Council held at the Port of Annapolis, the 29^th^ day of Aprill, in the Eighth year of the Reign of our Soveraigne Lord King William the third &^ca^ Annoq. Domini 1696

Present

His Excellency ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ &c^a^

The Hono^ble^ Coll George Robotham, Coll Charles Hutchins, Coll David Brown

Priest Halls app: & Dismissall

Came M^r^ Hall priest at S^t^ Inegoes in S^t^ Maries County, and appeared here in Councill, pursuant to Summons, who being asked by what Authority be joyned together in the holy State of Matrimony M^r^ William Bladen & M^rs^ Ann Vansweringhen of the s^d^ County, who producing a Lycense for the same from vnder the hand & Seal of M^r^ Thomas Davies, Minister of William & Mary parish in the County afores^d^ And the Act of Assembly of this province for

publication of Marriages &c[a] being also produced & Read, Lib. H. D.
and some Debate vpon the same had the s[d] Hall was dismissed
from his further attendance.

At a Councill held at the Port of Annapolis the thirtieth day Whitehall
of Aprill, in the Eigth year of the Reign of our Soveraign
Lord King W[m] the third &c[a] Annoq Domini 1696. p. 311

Present

His Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] &c[a]

Coll George Robotham
Coll Nich[o] Greenberry
Coll Charles Hutchins
Coll David Brown

Appraisem[t] of Capt Meech's Estate delivered to the Commissary &c[a]

Produced at the Board the Return of the Appraisem[t] of Cap[t] Meech's Estate in Somerset County pursuant to the Order of Councill; and M[r] Commissary Gen[ll] being sent for, who Appearing Whitehall
the said Return together with a Book of Accounts & severall other papers relating to that Estate were delivered by his Excellency to the Commissary for his case.

M[r] Layfield sent for Appears.

George Layfield Esq[r] his Ma[ts] Collector of Pocomoke District, being sent for Appeared.

Then was Ordered to be Read William Cummin & Hugh Whitehall
Boides Depositions in relation to Samuell Murthland (Master of the Ship Helena here lately Seized & Condemned) his transporting himself in a Sloop belonging to one Milbourn & cleared out of pocomoke District by the s[d] Esq[r] Layfield.

His Ex[ncy] asks how he came to suffer the said Murthland to go out of the province in the s[d] Sloop; without Seizing of him, who says he went privately away: He is asked whether Milbourn had given Bond for the s[d] Sloop, who says that the Navall Officer had taken good Bond; Ordered that the said Whitehall
Bond be speedily put in Suit & that the s[d] Depositions be delivered to M[r] Attorney & Sollicito[r] Gen[ll] in Ord[r] thereto Accordingly; And that Certificate be given the s[d] Boide for Allowance &c[a] being sent for vpon his Ma[ts] Service.

The Report of Ann Arrundell County Justices vpon an Ord[r] of Reference made to them from this Board touching a p 312
petition here by Marreen Duvall of the s[d] County; Ordered that the same be Entred in the Journall of this Book, the which follow in these Words, Viz[t]

Lib. H. D. The humble Petition of Murrene Duvall Junr the Son of Murrene Duvall deceased, in most humble Manner sheweth your Excy

Murrene Duvalls pet & Ordr &ca That your Petitioner on Tuseday last did make his Address vnto this County Court, in Ordr to Choose his Guardian (by Reason his ffather & Mother in Law, with whom he doth live do take little care for his proficiency in Learning, and lesser of his plantation, for his future good) And your petitionr was not admitted, neither would the Court suffer him to have as much as Assurance of some satisfaction when he comes at Age, for the vse of his plantation till then: ffor my Brother did proffer to give One thousand pounds of Tobacco p Annum for the vse of the plantation & would have had it Recorded, but they Refused Audience, choosing rather that his ffather in Law should wear out Land without any benefit; likewise they threaten to have your petitioner whipt, if he comes any more there.

Therefore your Petr doth humbly desire your Excell to Grant him the same priviledge of your Clemency to Orphans tht others have, and to Admit & Ordr he may Choose his Brother John Duvall, for his Guardian and your petr shall ever pray.

The Petition is Referred to the Worshipfull the Justices of this County to see that Justice be done to the petr & to give me a Reason why he may not Choose a Guardian.

ffr. Nicholson

The Report vpon the sd Ordr of Reference follows, Vizt

In obedience to your Excells Ordr The Court does shew these following Reasons, Vizt

p. 313 The Article concerning the Orphans Learning, to the knowledge of some of the Court is false.

And that concerning his Plantation the Court is satisfyed by Evidence that Coll Ridgely has fenced the whole in with a lite ffence, and has planted out a Nursery of Apple Trees, and has taken Ordr to build on the sd plantation; and are satisfyed by a Clause of the said Orphans ffathers Will that his now Mother in Law is appointed Guardian to him & the rest of the Orphans till they come to the years of Eighteen.

The Court being satisfyed in the falseness of this Orphans petition admonished him to be dutifull to his ffather & Mother in Law, and threatned (if he came with the like lying petition to the Court) to Chastize him for the same: And likewise Coll Ridgely has promissed vpon the good behaviour of the Orphan to do much for the intrest of the Orphan on his plantation; All which is humbly Offered & signed p Ordr of Court

p Stephen Blatchford Deptv Clk.

Mary Megraughs ffine of 10lb remitted

Mary Megraughs petition for Remittance of a ffine of Ten pounds Strl was Referred to his Ma^ts^ Receiver Gen^ll^ and vpon his Report & the consideration of the petition^r^ being very poor, was remitted accordingly. Lib. H. D. Whitehall

May the ffirst 1696.

The Councill again Sate & were p^r^sent as before, with the Addition of Esq^r^ ffrisby. Whitehall

Alexander Mallon's pet Read

Produced to the Board by the hono^ble^ James ffrisby Esq^r^ a petition of one Allexander Mallon & Henry Hill, which was Read, setting forth that being come out of Virginia into this province in December last one of them had been taken & kept vnder Execution by the Under Sherriff of Cæcill County (where they now Reside) vntill he gave security for paym^t^ of the publick Leavy as other inhabitants do, and that the other likewise expected to be so served; therefore humbly prayed for Relief therein; His Excell is pleased to Aske how the Custom of the Countrey is in that Case, who do say that the persons are vsually Resident in the province Twelve Months before they pay any Leavyes; besides December was too late for taking the Leavy's of any person, That a person coming from Duck Creeke had paid a Leavy contrary to Law &c^a^ p. 314

His Excellency therevpon is pleased to Aske the s^d^ Esq^r^ ffrisby what induced the s^d^ Sherriff to do so, who does say that he met the high Sherriff lately vpon the Road discourseing him about it, the said Sherriff told him that he had his Excell^s^ Ord^rs^ for Collecting all such Leavyes;

Sherriff of Cæcill County sent for

Ordered therevpon that precept go from this Board directed to one of the Coroners of the s^d^ County, commanding him to take into his Custody the Body of the s^d^ Sherriff, so th^t^ he bring him down here immediately before this Board for to Answer &c^a^ And that his Undersherriff in the mean time take care to Execute that Charge.

May the 1^st^ 1696.

Coll Herman to apprehend Comegys & Nichols

Ordered that Coll Casparus Augustin Herman of Cæcill County do immediately vpon sight hereof Raise the Militia of his County & Apprehend & take into his custody the Bodies of Cornelius Comegys & Amos Nichols persons living vpon the ffrontiers of this province & driving a secret trade with the fforraign Indians as is credibly Whitehall

Lib. H. D. p. 322 Reported, whereby his Ma^ts^ Customs are defrauded and the s^d^ persons Esteemed & Reputed as dangerous to the Governm^t^ by keeping such correspondence as afores^d^ and that when Apprehended & taken they be securely brought before his Excell in Councill with all possible speed, to Answer &c^a^

May the 4^th^ 1696.

The Councill again Sate & were p^r^sent as before.

Maj^r^ Whittington continued Sffe of Somerset County. p. 323

Read a Letter from Maj^r^ William Whittington of the 27th of Aprill past to his Excell sent & directed, therein praying the continuance of his Sheriffs place, to which his Excell is pleased to say that it is a thing of course, and therefore Ordered that he be continued accordingly.

Whitehall

Read the following Information, Viz^t^

Coll Hermans information touching Basilion & Letort

The Information of Coll Casparus Augustin Herman concerning Peter Basilion & Cap^t^ Letort, as follows, viz^t^

This Informant saith that Basilion does now live at St. Jones's but formerly lived about thirty Miles backwards from any inhabitants, where he treated with the Indians & was then Reported that he kept private correspondence with the Canida Indians & the ffrench, and since he has heard that he has a Brother taken by the Mahages from Canada, to whom he was intended to go, in Ord^r^ to Redeem him.

That Cap^t^ Letort a ffrenchman does now live back in the Woods in the same place where the s^d^ Basilion formerly lived & trades with the Indians, as he is credibly informed; to which said Information the s^d^ Coll Herman hath herevnto set his hand; this first day of May, A° 1696.

Casp: August Herman.

Whitehall

Ordered that the s^d^ Information be sent to the Gov^r^ of Pensilvania, the persons therein mentioned living in that Governm^t^

May the 5^th^ 1696.

Whitehall

Produced at the Board the following Proclamation pursuant to Ord^r^ issued, which being pervsed, Read & approved off, was signed by his Excell & passed the Broad Seal of the province.

By his Ex^ncy^ the Cap^t^ Gen.

A Proclamation

Lib. H. D. Maryland ss

ffor a publick thanksgiving

ffforasmuch as it hath pleased God (of his infinite mercy) to Grant to the fforces of his most sacred Ma^ty^ (this last year) great prosperity & success against his Enemies the ffrench as well by Land as sea, and more especially considering the joyfull & happy News of his Ma^ts^ safe arrivall in England, the Almighties continued goodness in the protection of his Royall person under all those dangerous hazards & Attempts his Ma^ty^ hath vndergone, during this warr; All which inestimable blessings Require our publick thanksgiving & acknowledgm^ts^; Have therefore thought fit, and by the advice of his Ma^ts^ hono^ble^ Councill & House of Burgesses (in a Generall Assembly now Convened) do hereby appoint & Command that a generall thanksgiving to Almighty God for these Rich Mercies & ffavours, be observed on thursday next, by the s^d^ Genll Assembly & all the Inhabitants & others then Residing within this Port, and (in the severall Counties & places within this province) on the ffrst thursday in June next; And I do strictly Charge & Command that the said publick days of thanksgiving be Religiously observed by all his Ma^ts^ loving Subjects within the same; requiring all persons to go out of Mourning and to abstain from servile & Corporall labor on those days, and that the Ministers of the severall parishes do then Read divine service and preach, as they will Answer the contrary: And to the end due Notice hereof may be given, I do further Command the severall Sherriffs of the province to make proclamation hereof in all Churches, Chappells & other publick places of Meeting within their respective Counties; Given at the Port of Annapolis vnder the Broad Seal of the province, this ffifth day of May (being Munday) Anno 1696, and in the Eighth year of his s^d^ Ma^ts^ Reign

Whitehall p. 324

God Save the King. ffr: Nicholson

May the 6^th^ 1696.

The Councill again Sate & were p^r^sent as before with the Addition of the hono^ble^ Coll John Addison & Thomas Brook, Esq.

Whitehall

Coll Codd Excused from being of the Commission of Review.

Came Coll St. Leger Codd, who being appointed upon the Commission of Review inter Lingan & Crauford, humbly prays to be dismissed, saying that his indisposition of body is so great th^t^ he has obtained like favour from the House of Burgesses to retire home; Ordered that he be dismissed accordingly,

p. 325

Lib. H. D. and that some other person be Appointed to be put in the s[d] Commission in his stead.

Mr Pollard Coll pierce & Mr Boothby appointed Com[rs] &c[a] instead of Esq[r] Smith, Coll Codd & Mr Jones

The hono[ble] Rob[t] Smith Esq[r] Coll St Leger Codd & M[r] Edward Jones being three of the persons appointed for Commissioners upon the Commission of Review &c[a] abovementioned but Coll Codd being dismissed, and the other two not appearing; Ordered therefore that M[r] Edward Pollard, Coll W[m] Pierce & M[r] Edward Boothby be appointed to serve in their stead, if no objection be made by either party.

Both parties being acquainted therewith did Approve of the same.

Henry Denton appointed Clk of the Court of Review

Upon Motion made what Clerk or Register should be inserted in the said Commission to serve, &c[a] It was Order'd that Henry Denton Clerk to the Court of Delegates (in the s[d] Cause there depending) be constituted Clerk of the s[d] Commission of Review, if by Law he may be admitted, and that M[r] Attorney & Solicito[r] Gen[ll] give their Opinions therein accordingly, who Report as follows, Viz[t]

To his Excell ffrancis Nicholson Esq[r] Cap[t] Gen[ll] & Govern[r] in Chief the hono[ble] his Ma[ts] Councill of Maryland.

It being questioned of Us whether M[r] Denton who was Clerk in the late Commission to the Court of Delegates between George Lingan Adm[r] of John Abington dec[d] & James Crauford, whether M[r] Denton Clerk to the said Court of Delegates may be now Clerk in a Commission of Review, We do humbly Certify that the Clerk being sworn to make a true Record of all proceedings may be legally admitted Clerk of the present Commission of Review; All which is humbly submitted to by yo[r] Excell[s] most obedient humble Serv[ts]

Geo: Plater
W[m] Dent

May the 8[th] 1696.

p. 326 Produced a Commission constituting severall persons Commission[rs] of the s[d] Court of Review, which being Read was approved off & signed by his Ex[ncy] & passed the Broad Seal of the province. The s[d] Commission follows in these Words Viz[t].

Maryland ss

Commission of Review int Lingan & Crauford

William by the Grace of God, of England, Scotland, ffrance & Ireland King Defender of the ffaith &c[a] To our Trusty & well beloved Coll George Robotham, Coll Nicholas Greenberry Coll Charles

Hutchins, Majr Robert King, Mr John Pollard Coll William Pierce & Mr Edward Boothby Gentl Greeting, Whereas a certain matter of Controversy was lately depending before Us in our Prerogative Court holden before our Commissary Genll or Judge for probat of Wills & granting of Admrcons in our province of Maryland between George Lingan Admr of the Goods & Chattles of John Abington deceased Libellant & James Crauford Deft, in which Cause it was so farr proceeded, that our said Judge had pronounced his definitive sentence in the sd Cause, by which sentence the sd James Crauford found himself Aggrieved as it was said & thereupon Appealed to our Court of Delegates in our Chancery to be by Us for that purpose appointed, Whereupon We did by our Commission under our Great Seal Nominate & Appoint Coll David Brown & others to be a Court of Delegates to inquire into, Examin, hear & determin the Matters aforesd And Whereas We are given to understand that the sd Judges Delegates appointed as aforesd have terminated their sd Comission and given Judgmt, in the matter of the sd Appeal in favor of the sd James Crauford against the sd George Lingan the Admr aforesd contrary to Right, Equity & good conscience, as by the great Complaint of the sd George Lingan We have Recd And therefore the sd George Lingan hath Appealed to Us & humbly supplicated Us for our Commission of Review to Review the Judgmts & sentence of the sd Judges Delegates made as aforesd; We willing as much as in vs lyeth that all things may be done between the sd parties which to Right & Justice appurtaineth, Have therefore Assigned, constituted, Ordained & appointed and by these prsents do assign constitute, ordain & appoint you or any ffive or more of you (whereof you the sd Coll George Robotham or Coll Nicho Greenberry to be always one) our Commissionrs especially appointed to Review & Examine the sentence & Judgmt as well of the sd Court of Delegates, as of the sd Commissary Genll and all the proceedings touching the same & the matters in difference between the sd George Lingan & James Crauford in relation to the Admrcon of the sd Abingtons Estate finally to hear & determin according to the Rules of the Civill & Ecclesiasticall Laws & other the Laws of this our province, and to that End you are to meet, in some convenient house at our port of Annapolis on the Eigth day of this instant May by Nine of the Clock in the Morning of the same day, and there to Call & cause to come before you as well the sd Complainant George Lingan, as also the sd James Crauford & all other persons therein any ways concern'd, and you are further likewise hereby Empowered, as also Required to Command a full Copy or Transcript of the proceedings had & taken before the sd Court of Delegates in

Lib. H. D.

p. 327

Lib. H. D. & about the p^r^mises, and their sentence therein given (remaining among the Records of our high Court of Chancery) to be thither transmitted vnder the hand & Seal of the Register of the s^d^ Court and there laid before you, that the Complainant may make such Exceptions against the same as he shall thinke fit & convenient, and the severall pleadings Testimonies proofs & Allegations on both sides, being strictly heard & Examined, and the Matter duely Maturely & deliberately weighed and considered, you are to pass & give your finall Judgm^t^ sentence doome & decree therein, according to Justice & the Civill Law & other the Laws of this province, and to the best of your skill & vnderstanding, as also to taxe all Costs &
p. 328 Charges thereon Accruing, hereby Empowering you to Adjourn your s^d^ Court from day to day or from time to time, untill the s^d^ Matter by you the said Commission^rs^ shall be fully determined and to the End a true & fair Record may be kept of your proceedings herein; We have thought fit to Nominate & appoint, and We do hereby Nominate & Appoint Henry Denton Gentleman to be your Clerk or Register, to Receive take & Enter on his Journall the sume & substance of what shall be done and Acted by you in the Execution of the power and Authority hereby given & granted you, a fair Copy whereof attested vnder the hand & Seal of your said Clerk you are to transmit vnto Us in our high Court of Chancery, with all convenient speed; Given vnder the Great Seal of our said province, the Sixth day of May, in the Eigth year of our Reign &c^a^ Annoq Domini 1696. Witness our trusty & well beloved ffrancis Nicholson Esq. Cap^t^ Gen^ll^ & Govern^r^ in Chief in & over our s^d^ Province & Territory of Maryland.

ffr: Nicholson.

On the back of the s^d^ Commission was thus written, Viz^t^ William the third by the Grace of God, of England, Scotland ffrance & Ireland King defender of the ffaith &c^a^ To Coll W^m^ Pierce & M^r^ Edward Boothby Gentlemen, Greeting These are to Authorize you or either of you to Administer vnto Coll George Robotham & Coll Nicholas Greenberry or either of them the Oaths appointed by Act of Parliam^t^ to be taken instead of the Oaths of Allegiance & Supremacy, as also an Oath of Commission^r^ for this purpose to be framed and the s^d^ Oaths being as afores^d^ Administred & taken you the s^d^ Coll George Robotham & Coll Nich^o^ Greenberry or either of you are to Administer the s^d^ aforementioned Oaths to the rest of the Commission^rs^ withinnamed, and to the Clerk, for which this shall be your sufficient Warrant, Given vnder the Great Seal of our s^d^ Province this Sixth day of May in the Eigth year of our Reign &c^a^ Annoq Domini 1696.

Witness our Trusty & well beloved ffrancis Nicholson Esq^{r} Lib. H. D.
Cap^{t} Gen^{ll} & Govern^{r} in Chief in & over our s^{d} province and p. 329
Territory of Maryland.

ffr. Nicholson

Ordered that the Sherriff of Ann-Arrundell County do (vpon sight hereof) take into his custody the body of Jeremiah Waters Master of the Briganteen, called the Hare, now riding in Herring Bay within the s^{d} County, as also summon Samuell Chew, so that they both be & appear before his Excell the Govern^{r} (at the port of Annapolis) to Answer &c^{a}

Came accordingly the s^{d} Jeremiah Waters & Samuell Chew, who being asked concerning the Lading of the abovementioned ship taken in at the Madera's this last Voyage & her Entry making here, & the Reason of his Running with the s^{d} Vessell from one place to another, after such Entry making; and the s^{d} Waters Examination & Answer being taken in Writing; Ordered that it be Referred to M^{r} Attorney & Sollicito^{r} Gen^{ll} to consult whether a Master, Entring his Vessell in one Port can by Vertue thereof go to any other place & Land Goods, than where the Officer Entring the same has Jurisdiction.

Ord^{r} of Reference, whether Wine shipt by an Alien & imported in a Vessell belonging to th^{s} province, should pay the 4^{d} p Gall &c^{a}

Ordered that it be Referred to M^{r} Attorney and Sollicito^{r} Gen^{ll} whether Ten pipes of Wine imported last year in the Briganteen called the Hare (belonging to the Consul of the Madera's) ought not to pay the 4^{d} p Gall Duty notwithstanding the Vessell importing the same is this Countrey built & off & Whitehall belonging to this province; And that they consult what the Law says in such Case.

Which s^{d} Reference came Reported thus, Viz^{t}

To his Ex^{ncy} the Govern^{r} &c^{a}

Report vpon the above Ord^{r}

In obedience to this Command We humbly say that according to the Reason & sence of the Law in our thought, the Ten Pipes of Wine ought to pay the Duty; ffor the Clause in the Law is only in favour of Resi- Whitehall
dents in this Province & increase of Shipping & Navigation, both which faile in the present Case; And when the inductive p. 330
Reason of any Law, either indulgent or penall failes, the bare Letter ought to attend it, which We humbly submit to your Excell & are

Yo^{r} most obedient
George Plater
Will^{m} Dent

Lib. H. D. The s[d] Report was Approved off, and Ordered that the Duty of the s[d] Wine be collected & Received accordingly.

Coll Addison & Coll Courts to inquire about Piscattaway & Choptico Indians Land

Whitehall

Ordered that the hono[ble] Coll John Addison & Coll John Courts make inquiry whether ffrancis Marberry of Charles County or any other person or persons have Encroacht vpon the Empero[r] of piscattoways Land, as also inquire whose Land the Choptico Indians hold, and vnder what Circumstances they hold the same, and that they make Report thereof to this Board accordingly with all convenient speed.

Coll Courts & M[r] Brooks permitted to Retire home

Whitehall

The hono[ble] Coll John Courts & Thomas Brook Esq[r] Representing that the Ships in their parts being very forward for Sailing, and having Urgent Business to dispatch away by those ships; therefore humbly desire leave of the Board for some short time to Retire home for to looke after the same, which was accordingly granted & time given them till thursday next to Return in.

May the 9[th] 1696.

The Councill again Sate & were p[r]sent.

His Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] &c[a]

Coll George Robotham, Coll Nich[o] Greenberry, Coll Charles Hutchins, Coll David Brown, Coll John Addison

Whitehall

Mr Attorneys Report touching Mr Tench's Lease of a Mill &c[a]

Whitehall

Produced & Read M[r] Attorney & Sollicito[r] Gen[lls] Report upon an Ord[r] of Reference from this Board of the ffifth of March last relating to M[r] Tench's Lease of a certain Mill prayed for &c[a] the said petition, Ord[r] & Report &c[a] Rune in these following Words, Viz[t]

To his Ex[ncy] ffrancis Nicholson Esq[r] his Ma[ts] Govern[r] in Chief of the Province of Maryland &c[a]

p. 331 The Petition of Thomas Tench of Ann-Arrundell County.

Esqr Tench pet for lease of a Mill

Whitehall

Sheweth.

That whereas he had Granted vnto him their Ma[ts] Writ Quoad damnum, bearing Date the 20[th] day of Octob[r] 1692, for and in Ord[r] to building a Mill on the North side of Lands Creeke, vpon which inquisition was made by a Jury & Returned into the High Court of Chancery, by which

he complyed with the Law, so farr as to have a Grant; Now Lib. H. D.
May it please your Excell, your petr in due time prescribed by the Law had Erected & built the sd Mill & some improvemts upon the sd Land made, it being Seventy Acres allotted by the Law, but by meanes of the death of the late Govr Copley, and other Accidents since happening, that he neglected to procure a Lease for the same: Your petr therefore prays your Excncies consideration of the same, and that Lease now may be Granted him, he having in all other Matters, relating thereto, complyed with the Act of Assembly

And he shall pray &ca

The sd Petition was by Ordr indorsed thus. Vizt

By his Excncy the Governr & Councill &ca

March the 5th 1696.

Ordered that the within petition be Referred to Mr Attorney & Sollicitor Genll for them to make Report whether the Act of Assembly of this province does direct the Leases for Water Mills & the Land thervnto Adjacent, grantable by his Majesty, Whitehall
and whether the same is proper to be done, seeing his Maty holds no Land in the Countrey.

Signed p Ordr
Hen: Denton C of Concil

The Report thereon follows Vizt

To his Excncy ffrancis Nicholson Esqr Capt
Genll & Governr of Maryland &ca

In obedience to your Excncies Commands to Us of the 5th of Whitehall
March, 1695, to Report whether the Act of Assembly of this p. 332
province does direct the Leases for Water Mills & the Land adjacent grantable by his Maty and whether the same is proper to be done, seeing his Maty holds no Land in the Countrey &ca We humbly say that the Act of Assembly doth direct the Lease to be made by his Mats Governr or Commander in Chief, which We conceive is proper to be done, though his Maty immediately holds no Land in the Countrey, because the Granting such Leases is not an Act of proprietorship, but of Goverm^t (p bono publico) and Enables the Governm^t to Grant the Lease vpon performing the Conditions &ca though the Mill were built on any other Mans Land; so that the Propry of the Soyle could not make such Lease vnless he were Enabled therevnto by an Act of Assembly, and if an Act of Assembly may (as We conceive it may for a publick benefit) Enable the

Lib. H. D. Propr^y who is the derivative Lord to make a Grant of such Land, with as much Reason may an Act Enable the King who is the primative Lord to make the like Grant, And this Act has Enabled the King by his Goveno^r to make such Lease; therefore We hold it proper to be done as the Act directs, it being not disallowed by his Ma^ty as We know off, all which We humbly submit to your Excell & are

Yo^r Excell^s most obedient Servants
George Plater
Will^m Dent

By his Ex^ncy the Gov^r &c^a

May the 9^th 1696.

Whitehall His Ex^ncy having pervsed this day in Councill the within Report was pleased to Ord^r that the Lease therein mentioned be Examined by M^r Attorney & Sollicito^r Gen^ll whether the same be according to Law, and then his Ex^ncy will sign the same.

Signed p Ord^r
Hen: Denton C of Concil.

p. 333 The Report on the s^d Ord^r is as follows, Viz^t

To his Ex^ncy the Govern^r & hono^ble Councill of Maryland.

Whitehall In obedience to your Excell^s Commands We have pervsed the within mentioned Lease and do humbly conceive the same to be Agreeable to the Rules of the Law, all w^ch is humbly submitted to by

Yo^r Excell^s most obedient Servants,
Geo: Plater
Will^m Dent

And the s^d Lease was accordingly signed by his Ex^ncy in Ord^r to be passed vnder the Broad Seal of the Province.

May the 11^th 1696.

The Councill again Sate & were p^rsent.

His Excell ffrancis Nicholson Esq^r Cap^t Gen^ll &c^a

Coll Henry Jowles
Coll George Robotham
Coll Nich^o Greenberry
Coll Charles Hutchins
Coll David Brown
Coll John Addison

Attorney & Solicitr Genll consulted, whether Tobo brought out

Ordered that it be Referred to M^r Attorney & Sollicit^r Gen^ll whether Tobacco brought out of Virginia and shipt here ought not to pay the Additionall Duty of six pence p hogshead, Viz^t 3^d for the

of Virg[a] & shipt here should pay the additional 6[d] &c[a]

Govern[r] & three pence to the Countrey, the duty of Two shillings p hh[d] being only paid in Virginia; and that they make Report theoreof accordingly. Lib. H. D. Whitehall

The Report thereon follows, Viz[t]

To his Ex[ncy] the Govern[r] in Councill &c[a]

In obedience to yo[r] Excell[s] Commands, We conceive that if the Tob[o] pay but two shillings in Virginia & is Exported from Maryland, the Exporter ought to pay the other sixpence here, all which is humbly submitted to yo[r] Ex[ncies] Judgm[t] by Whitehall

Yo[r] most obedient Serv[ts]

George Plater
Will[m] Dent.

May the 11[th] 1696.

Cornelius Comegys Appearance & dismissall

Cornelius Comegys of Cæcill County being brought in custody of Coll Casparus Herman by Vertue of the above Ord[r] was after some Examination, and vpon his petition here preferred that he was blamed wrongfully and that he left his Wife & Children without any assistance, and being a ffrontier plantation lyes exposed to the Enemy; therefore humbly prayed that he might be dismissed & have leave to Return home to his ffamily; His Excellency therevpon (after some gentle Reproof & advice given him) was pleased to acquaint him that as to his trading with the Indians he should have all the Encouragem[t] imaginable, as well from the Gentlemen of the Councill as himself, provided he dealt fair & Committed no illegall Act, and that nothing would be Enjoyned him by this Board save his giving good security in the sum̄e of 100[lb] St[r]l to his Ma[ty] for his future good behaviour, the which M[r] Attorney Gen[ll] is Ordered to take accordingly & so was dismissed. Whitehall

Clk of Dor. Co: Court makes Oath to ffines

Came Hugh Eccleston Clerk of Dorchest[r] County Court and made Oath to a List of ffines passed in the said Court from the beginning of the Revolution vnto this time. Whitehall

Clk of the Indictm[ts] of Dor. Co: Court sworn

Came also Clerk of the Indictm[ts] of the s[d] Court, and was sworn accordingly. Whitehall

The following Letter & Papers of Acco[ts] were read in Councill the 11[th] of May 1696, and the said day laid before p. 308

Lib. H. D. the House of Burgesses for their consideration as by the Journall of that Assembly appears.

S^r^

Governr of New Yorks Letter to his Exncy

I have Rec^d^ yours of the third of March & 17^th^ of Aprill last for which I give your Ex^ncy^ thanks As I never handled a penny of the publick Moneys of the Governm^t^ so I vnderstand not an Account I have Ordered an Account of all the Money transmitted from Virginia & Maryland to be drawn out which comes herewith I am likewise advised that the Quota of Virginia will be here shortly I expect them every day.

I must still insist to make application to you for the Quota of the Province of Maryland and desire to know by what time they may be got in readiness that I may take Measures accordingly none of the Vessells expected here from England are yet Arrived I heartily pray for the succes of his Ma^ties^ Arms and the preservation of his sacred person which is so frequently exposed to danger in that most noble vndertaking I am S^r^

Yo^r^ Excell most humble Servant

N York Ben: ffletcher

Aprill 30^th^ 1696.

The Governm^t^ of Maryland has Remitted the following Bills to the Governm^t^ of New York, for p^r^sents in their behalfe made to the 5 Indian Nations, and towards the Defence of Albany, Viz^t^

A° 1692	By 3 Bills of Exchange for £: 100 sterl. Assigned by Go^r^ Copley but Returned protested except 37^lb^ 12^s^ sterl paid to Coll de peyster with 25 p C: advance	£47:-:-
A° 1693	By Bills of Exchange for £362: 8-strl Assigned by Govern^r^ Copley & sold for 36 p C^t^ Advance, but were all returned protested.	
A° 1604	By 8 Sets of Bills for £210 : 0 : 5 Strl sent to John Blakall & Paid to John	
p. 309	Povy is with 30 p Cent advance.	£273 : 0 : 6
	More one Sett for £40 : 7 : 11 Stl payable at Boston sold for 25 p C^t^ advance is	£50 : 9 : 10¾
A° 1695	By 31 Sets of Bills for £199 : 18 : 1 strl sold for 28 p C^t^ advance is	£255 : 17 : 6
	By Sets of Bills for £133 : 8 : 7 Strl Assigned by Gov^r^ Nicholson & indorsed to M^r^ Brook is with 30 p Cent advance	£173 : 9
		£799 : 16 : 10¾

Out of which is to be deducted as paid by this Governm^{t} for Reexchange & Charges of Gov^{r} Copleys Bills protested.	£68 :	Lib. H. D.
And for Expresses to Maryl^{d} on Acco^{t} of s^{d} protested Bills	£31 : 10 : 6	
	£99 : 10 : 6	
The Neat Sum̄e in N. York Money is, provided the Bills of A^{o} 1695 be Rec^{d}	£700 : 6 : 4¾	

Errors Excepted
New York 28th Aprill 1696 } Tho: Monsey Dep^{ty} Coll.

The Governm^{t} of Virginia has remitted the following Bills to the Governm^{t} of New York for p^{r}sents in their behalfes made to the 5 Indian Nations, and towards the defence of Albany, Viz^{t}

1693			
21 August	By Bills New York Money	£600 : 00 :	
	By Ditto more	£ 50 :	
1691. 21 Octob^{r}	By Bills for £102:5:9 strl sold for	£130 :	
Sep^{br}	By Bills for £100 strl sold for	£130 :	1692: 4th
March	By Cash paid by Coll Cortland	£650 :	1694 25th
	New York Money	£1560 :	

Erro^{rs} Excepted p
New York 28th April 1696 Tho: Monsey Dep^{ty} Coll.

Answer to the aforegoing Letter follows in these words Viz^{t}

Port of Annapolis May 19th 1696.

His Excell Lre to the Gov^{r} of New York

S^{r}

Yo^{r} Ex^{ncies} Letter of Aprill the 30th with the abstract of the Acco^{ts} of Virginia & Maryland together with your former Letters since the Assembly sate in October were all laid before the House of Burgesses for their consideration; but presently after their breaking vp. rec^{d} his Ma^{ties} Royal Commands (concerning your Ex^{ncy} Money) of the 2^{d} of Jan^{ry} last, vpon which & other his Ma^{ts} Royal Commands I have Ordered the Assembly to Meet the first of July next, and then it shall be communicated to them by him who is

p. 310

Yo^{r} Excell most humble Servant
ffr: Nicholson

Lib. H. D. The Rt Honrble the Lords of the Councill Letter to his Excy concerning the late Act of Parliamt relating to Frauds &c.

After our very hearty Commendations; Whereas an Act has been past in this prsent Session of Parliamt for the preventing ffrauds and Regulating abuses in the Plantation Trade, We have therefore thought fit to Notifye unto You the sd Act, A copy whereof is here inclosed for your better Information, to which We Refer You, Requiring and Commanding you in his Mats Name to take Care that the sd Act, and all other Laws made, for the Encouragemt of Navigation, and the Securing the Plantation Trade to this Kingdom be duly Published within his Mats Province of Maryland under your Governmt and Strictly put in Execution by all persons whom it may Concern, according to the purport thereof; And Soe we bid you very heartily ffarewell ffrom the Councill Chamber at Whitehall this 15th day of Aprill 1696 In the Eighth year of his Mats Reign.

Your Very Loving ffriends
J. Bridgewater
Stanford.
Bathe
Montagu Bradford
H. Goodricke

Govern[r] of Maryland.

The Lords of the Councills Lre to his Excy giving an Accot of the ffrenches preparations Agt some part of America

p. 18

After our Very hearty Commendations; Whereas Information has been given that the ffrench are making preparations by Shiping and otherwise for an Attempt agt Some parts of America and have put on board a Considerable Quantity of Arms for that Purpose; We have thought fit by this Express to Notifye the Same to you to the End you may give the Necessary Ordrs for putting all things in the best Posture of Defence that may be within yor Governmt and that you assure the inhabitants thereof that Such Speedy Assistance will be sent from hence as the State of Affairs at home Shall permit, with particular Reguard to the Exigency's they Shall lye under and so not doubting your Utmost Care and Vigilance herein We bid you very heartily ffarewell; ffrom the Councill Chamber at Whitehall this 20th day of April 1696: In the Eighth Year of his Mats Reign.

Yor very Loving ffreinds

Govern[r] of Maryland. { H Goodricke, J Smith, J Boscawen } { J Bridgewater, Stamford, Montagu }

May the 11th 1696.

Jos Broadbent brought in Custody of Mr Collyer

Mr Thomas Collyer Navall Officer of the port of Williamstadt came & brought in his custody the body of Joshua Broadbent; who being acquainted by his Excell that he had sent for him for breach of an

Act of Assembly of this province, and asks him whether he Lib. H. D.
did not transport & Carry in his Sloop several Goods from Williamstadt to Virginia, without paying the Ten p Cent, who says that he did take Goods on Board his sloop at Williamstadt which he carryed to Potomock & from thence to Virginia; Cap^{t} Rich^{d} Cheshire (a party concern'd in the s^{d} Goods) being called in & appearing was asked about the premises the said p. 316
Cheshire says that he finds himself vnder a mistake and is ready to pay the s^{d} Duty, which he humbly Craves the favour off, and that no further proceedings may be made therein; Ordered that the s^{d} Matter be Referred to M^{r} Attorney & Sollicito^{r} Gen^{ll} for them to Report what the Law says in that Case, and in particular to his Ma^{ts} Receiver.

The which came Reported as follows Viz^{t}

In obedience to your Excell^{s} Commands We have pervsed the within Representation & do humbly conceive that Goods transported from Williamstadt to Stafford County in Virginia ought to pay the Duty of Ten p Cent, pursuant to the late Act of Assembly in that Case made & provided, it not coming within the benefit of the Exception of that Law, it not being in potomock River & exported directly from thence to that Colony, all which is humbly submitted by

Yo^{r} Ex^{ncies} most obedient & humble Servants
George Plater
Will^{m} Dent

Cap^{t} Cheshire by his humble Petition here p^{r}sented, setting forth that having made Entry of the aforementioned Goods with the Officer of the port of Williamstadt appointed, was at the same time made sensible of the intended design of Carrying the same down to potomock and from thence to Virginia, and had permit from the Dep^{ty} Collector for the same accordingly who was of Opinion that Goods transported from the River of Potomock to Virginia were Duty free; therefore prayed no Advantage might be taken of that Seizure, being then & now also willing to pay the s^{d} Duty of Ten p Cent Which s^{d} petition & Case being put to M^{r} Attorney & Sollicito^{r} Genll for Answer, Came Reported as follows, viz^{t}

To his Ex^{ncy} the Govern^{r} in Councill &c^{a}

In obedience to your Excell^{s} Commands hereunto Annexed We humbly say that if the true Owner or Exporter of the p. 317
Goods did make an Entry of them with the Officer appointed acquainting him where he intended to Export them, and the Officer Refused or Omitted to Charge the Exporter with Ten p Centum vnder misconstruction of that Clause in favour

Lib. H. D. of Potomock River in the Law mentioned as seems to have been intimated to your Ex^ncy and is affirmed to Us.

If so We cannot discern the Owner or Exporter to be a willfull Offender; being rather mislead by the Officer, whose principle business it was to direct and demand of him than by any willfull designs or intent in him to frustrate the Law, therefore with your Excell good pleasure We conceive his present paym^t of the Duty will & may be sufficient satisfaction to the s^d Law &c^a

May the 12^th 1696

Whitehall The Councill again Sate & were p^rsent as yesterday.

John Salter & Tho: Brough ordered to be summoned

Upon Representation, Ordered that the Sheriff of Talbot County summons John Salter & Thomas Brough, that all Excuses set apart, they be & appear before his Excell in Councill, at the port of Annapolis the first day of July next to Answer; And that John Salter bring with him the Agreem^t by him Enter'd into about Talbot County Court house.

Clrks of the Co: Courts to Return perfecter Lists of the Co: Leavyes

Whereas the Clerk of each respective County Court having (pursuant to Ord^r) returned a List of their last County Leavy; but on pervsall of the same, finding severall Articles therein not mentioning the Reason of such Allowances made;

Ordered therefore that they Return a second List giving the Reason of every particular Article therein so charged and Allowed, vnto his Excell at the Port of Annapolis by the first day of July next.

May the 12^th 1696.

The said Report being Read was ordered to be indorsed thus, Viz^t By his Ex^ncy the Govern^r & Councill, &c^a

May the 12^th 1696

The within Report is Approved off & Ordered thereupon as it is hereby Ordered that the s^d Cap^t Cheshire paying or securing to be paid unto the Navall Officer of the Port of Williamstadt the Ten p Cent Duty for what goods were transported to Virginia in M^r Broadbents Sloop within mentioned, that the said Sloop be thereon dismissed from vnder Seizure.

Signed p Ord^r
Hen: Denton C of Concil.

Edwd Greens Lre touching 2 sprig Whales & Ordr &ca

Upon reading a Letter produced from Edward Green of the thirtieth of Aprill last, vnto his Excell sent and directed setting forth the late casting up of two sprig Whales vpon the Sea side, in Somerset County; Ordered that the honoble Coll George Robotham Judge of the Court of Vice Admiralty on the Eastern shore have inspection into that matter, and that Copy of the sd Greens Commissions from his Excell for Wrecks and Drift Whales &ca be given him together with the said Letter for him to take such care therein as the Law shall direct. Lib. H. D. Whitehall p. 335

May the 13th 1696

The Councill again Sate & were prsent as before.

Produced & Read a Proclamation drawn, vpon a proposall made to the House, relating to the encouraging the inhabitants of the two ports of Annapolis & Williamstadt, which was signed by his Excncy & passed the Broad Seal of the Province The said proclamation follows in these Words, Vizt Whitehall

By his Excncy the Capt Genll &ca

Maryland ss. A

Proclamation

Proclamation relating to the inhabitants of Annapolis & Williamstadt

Whereas for the future Encouragemt of the inhabitants living within the two ports of Annapolis & Williamstadt it hath been considered that a dispensation of a certain Act of Assembly of this province Entituled an Act agt Engrossing & Regrating towards the inhabitants of the aforesd two ports & Towns would conduce much thereto; Whereupon a proposall to that intent being laid before the house of Burgesses by the Honoble his Matts Councill of this province and on both sides Agreed to and passed into an Ordinance, I have therefore by advice thought fit to Notify and make known, and I do hereby accordingly proclame & declare that all persons actually inhabiting and Residing within the Port & Town of Annapolis & Port & Town of Williamstadt aforesd may (for the future) freely deale for, Bartar & Buy any manner of Goods Wares and Merchandizes whatsoever there imported & sell & dispose thereof again at pleasure, any thing in the sd Act contained to the contrary thereof notwithstanding Provided the sd persons so dealing, buying and selling do actually live and Reside with their ffamily within one of the aforesd ports and not otherwise; And that due Notice may be given, I do hereby Command the severall Sherriffs of the prov- Whitehall p. 336

Lib. H. D. ince to make proclamation hereof, in all publick places of meeting within their respective Counties; Given at the Port of Annapolis this 13th day of May in the Eigth year of his Ma^ts^ Reign &c^a^ Annoq Domini 1696.

God Save the King. ffr: Nicholson

Whitehall Produced also & Read a Proclamation drawn, vpon a Proposall made to the House, relating to building Bridewells, which was signed by his Ex^ncy^ & passed the Broad Seal of the Province.

The s^d^ Proclamation follows in these Words, Viz^t^

By his Ex^ncy^ the Cap^t^ Gen^ll^ &c^a^

Maryland ss: A Proclamation

A Proclamation Relating to Bridewells &c^a^

Whereas a Proposall being made to the House of Burgesses by the hono^ble^ his Ma^ts^ Councill of this province in Assembly lately met & Convened, for the Erecting a publick Bridewell or house of Correction, wherein all idle & Vagrant persons may be put and kept at worke, by which Proposall it was also signifyed, that if any person or persons would vndertake to build & keepe the same, at their own proper Charge, they might have Lease Whitehall thereof for terme of years &c^a^ And fforasmuch as the Gentlemen of the House of Delegates & Burgesses have by their Assent to the s^d^ proposall exprest their well liking & approbation of the same, have therefore (by advice in Councill) thought fit to publish and make known and do accordingly proclame & signify that such persons as are minded & willing to vndertake and Manage such a Concern, that they would draw vp in writing what proposalls they have to Offer in or about carrying on & managing the s^d^ Design by them to be transmitted vnto the Justices of the severall County Courts for them to do therein, according to the Laws & Usuall Customs of England in such Case, and of this p. 337 Countrey, hereby strictly Commanding the severall Sffes of the province to make Proclamation hereof in all Churches, Chappells & other publick places of Meeting within their respective Counties; Given at the Port of Annapolis vnder the Broad Seal of the Province this 13^th^ day of May 1696, and in the Eigth year of the Reign of our Soveraign Lord King William the third &c^a^

God Save the King. ffr: Nicholson.

The Comand[rs] of the Rang[rs] Order'd to pursue their Instructions. } Lib. H. D.

Peter ffowler & al petition & Ord[r] thereon transmitted to the Adm[rlty] Court.

Came Cap[t] Richard Brightwell & Cap[t] Oldton Comanders of the two parties of Rangers, who being asked by his Excell whether they had Received the Instructions lately sent them from this Board; who say they have: they are Ordered strictly to pursue the same.

Coll Thomas Order'd to deliver Capt Oldton 8[pds] of powd[r] &c[a] Ordered that Coll John Thomas deliver vnto Cap[t] John Oldton Commander of the party of Rangers in Baltemore County, Eight pounds of powder out of the publick powder laid lodged in his hands, for which he is to take Receipt & Return to this Board.

Coll Addison Order'd to Deliver Capt Brightwell 8 p[ds] of powder. The like Ord[r] issued to Coll Addison for to deliver vnto Cap[t] Brightwell Eight pounds of powder also &c[a]

Ordered that six Muskets belonging to the Countrey lodged in Coll Addisons hands & by Order delivered to Cap[t] Brightwell be by him still kept & made vse off vntill further Ord[r] Rec[d] to the contrary.

By his Excell. the Govern[r] & Councill &c[a] p. 334

May the 14[th] 1696.

Ord[r] for Collection of the Additionall 6[d] p hh[d] on tob[o] imported from Virg[a] & shipt here Ordered that the Collectors & Navall Officers do for the future take care to Collect & Receive the Duty of six pence p hogshead, Viz[t] the 3[d] due to his Ex[ncy] the Govern[r] & the Additionall 3[d] due to the Countrey for every hogshead of Tob[o] imported from Virginia & shipt here; this Board having Rec[d] the Opinion of the Lawyers in that case; And for all such Tobacco as has heretofore been imported & shipt without paying the s[d] Duty, that they Use their vtmost Endeavour to Receive the same from the severall Masters of ships or others concern'd therein Whitehall

Signed p Ord[r].

Hen: Denton C of Concil

Lib. H. D.

May the 15th 1696.

Whitehall

The Councill again Sate & were

p^r^sent

His Ex^ncy^ ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ &c^a^.

Coll Henry Jowles, Coll George Robotham, Coll Nich^o^ Greenberry, Coll Charles Hutchins, Coll David Brown, Coll John Addison

Thomas Brook Esq^r^

p. 338 Lre to Coll Addison touching a Murther done in Charles County & Ord^r^ thereabout.

Produced & Read a Letter by the hono^ble^ Coll John Addison Rec^d^ of yesterdays Date from Charles County, giving an Acco^t^ of one of the Men belonging to the Garrison there being lately killed by Indians; Ordered therevpon that the s^d^ Coll Addison go & inquire of the Empero^r^ of piscattoway thereabout & forthwith give Notice of the s^d^ Murder to the inhabitants of the Colony of Virginia & Raise Ten or a dozen men to secure the Garrison whilest the Rangers go out in pursuit of the Murderers, and that he furnish them with powder & Amunition necessary; and if occasion Require, to Raise more force & send his Ex^ncy^ speedy Word, who will come in person.

Whitehall

Coll Beale Order'd to Raise Men vpon the above occasion, if necessary

Coll Ninian Beale was sent for who came, vnto whom the afores^d^ Letter was also Read; Wherevpon his Ex^ncy^ told him, th^t^ he being more peculiarly Commissionated to looke after such like Matters, was therefore Ordered to take all speedy & imaginable care therein, and to Raise what Men he found necessary vpon that occasion.

Whitehall

Tho: Jones Dep: touching the Indian Awalo dd to M^r^ Boothby for inquiry &c^a^

The Deposition of Thomas Jones of Baltemore County touching the Indian Awalo taken & Read, was delivered to M^r^ Edward Boothby to Return an Acco^t^ of the Examination of Robert Love his Wife & M^r^ Staley.

p. 340

May 15th 1696.

Whitehall

Pocomoke Indian Land Ord^r^ for Resurvey thereof

Read Copy of an Ord^r^ of Somerset County Court, relating to the pocomoke Indian Land being p^r^esented by King Daniell and seaven other of the s^d^ Kings Subjects, the said Indians humbly complaining that one John Parker had intrenched within their Bounds

given them by the Lord Baltemore & persisted therein, not- Lib. H. D.
withstanding the afores[d] Ord[r] of Somerset County Court to the contrary; Wherevpon his Excell was this day (by advice in Councill) pleased to Ord[r] as it is hereby Ordered that the Justices of Somerset County Court do Carefully Examine & inquire into the Bounds of the Land given by Lord Baltemore to the Pocomoke Indians, within the s[d] County & that they cause the Bounds thereof to be Resurveyed & rune out, and when ascertain'd that publick Notice be given to all the inhabitants & others of the s[d] County that they presume not to Encroach vpon or seat within the s[d] Bounds, nor give vnlawfull disturbance to the Indians thereon living, according to the Articles of Peace with them concluded; And that the party or parties acting or doing contrary be forewith bound over, either to the provinciall or County Court to Answer the same as a disturber of his Ma[ts] peace &c[a]

Robt Bradley & Robt Middelton sonstituted Coron[rs] of Prince Georges Co:

Vpon Representation Ordered that Commissions issue to constitute M[r] Robert Bradly & M[r] Robert Middleton for Coroners of Prince Georges County

Mr Tho: Addison constituted Surveyor of Prince Georges County

And that M[r] Thomas Addison be constituted Surveyo[r] of the s[d] County, which accordingly issued & were signed by his Excell & passed the Broad Seal of the province. p. 341

At a Councill held, May the 16[th] 1696.

Present

His Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] &c[a]
The hono[ble] Coll George Robotham, Coll Nich[o] Greenberry, Coll Charles Hutchins, Coll David Brown, Thomas Brook Esq[r]

Coll Courts Lre of Excuse for not coming &c[a]

Produced & Read a Letter of Excuse from the hono[ble] Coll John Courts for his not coming pursuant to Appointm[t] & promise; to which an Answer was by Order writ, th[t] his Letter was Rec[d] & do thanke him for his News, but are sorry they had not his Company. Whitehall

May the 16[th] 1696.

Sffe of Cæcil Co: Answer to Mallons pet &c[a]

The Sheriff of Cæcill County Appearing, the s[d] petition was Read to him, and being asked severall Questions thereabouts he denyed the Matter of ffact, Wherevpon he was Ordered to make Answer to the s[d] petition

Lib. H. D. in Writing, w^ch^ (after some time granted) he p^r^sented to the Board accordingly; Ordered that the same be sent to the hono^ble^ James ffrisby Esq^r^.

Maj^r^ Dorsey Delivers the Broad Seal &c^a^

Came the hono^ble^ Maj^r^ Edward Dorsey one of the Commission^rs^ in Chancery & delivered at the Board the Broad Seal of the province, which was by Ord^r^ surrender'd vp to the hono^ble^ Coll Henry Jowles Chancelour for his keeping, during his Residence in Town. His Excellency is pleased to acquaint the Board concerning some Goods lately imported in Cap^t^ Cheshires ship, now Riding at the port of Williamstadt on the Eastern Shore; how that by an Acco^t^ given by the hono^ble^ Coll John Courts, his Excell does vnderstand that Joshua Broadbent of Dorchest^r^ County had by Order of the Merchant of the s^d^ ship lately transported in his Sloop a considerable quantity of Goods from the s^d^ Vessell to Stafford County in Virginia without paying the Ten p Cent according to the late Act of Assembly or making any Report thereof, and by that meanes has defrauded his Ma^ty^ of the s^d^ Duty, as by the Examination of the severall Navall Officers had, does appear;

Whitehall p. 315

Joshua Broadbent & Sloop Ordered to be Seized

Ordered therefore that the high Sherriff of Dorchest^r^ County do (vpon sight hereof) imediately search for & seize as well the s^d^ Sloop & Boat thereto belonging as also take into his Custody the body of the said Joshua Broadbent, so that he have the s^d^ Broadbent before his Ex^ncy^ in Councill with all convenient speed to Answer &c^a^

May the 16^th^ 1696.

The following petition preferred by Cap^t^ Richard [Cheshire] was Read, Viz^t^

Capt Richd Cheshires pet.

To his Excell ffrancis Nicholson Esq^r^ Capt Gen^ll^ & Govern^r^ in Chief in & over his Ma^ts^ Province & territory of Maryland & his Ma^ts^ hono^ble^ Councill &c^a^

p. 318

The humble Petition of Richard Cheshire of Bristoll Marriner &c^a^

Humbly Sheweth

That your Petition^r^ being imployed by S^r^ John Duddleston of Bristoll to sell & dispose for him a Cargo of Goods for loading a ship, whereof your pe^tr^ is Mast^r^ and finding Tobacco very scarce in Maryland, and hearing it was plenty in Virginia did transport part of his Cargo into Virginia

within potomock River, and in Ord^{r} therevnto made an Entry Lib. H. D.
with the Officer at Williamstadt, who gave your pet^{r} a permit
for Potomock River. That since your pet^{rs} Return, his Sloops
in which the Goods were transported have been Seized, And
your pet^{r} therevpon Applyed himself to yo^{r} Ex^{ncy} And although
your Pet^{r} was informed as well by the Officer as others that
pretended to know the Laws of this province, that it was law-
full to transport any Goods or Comodities to Virginia in po-
tomock River without paying the Duty of Ten ℔ Cent impos-
ed by Act &c^{a} Yet your Pet^{r} was rather willing to pay the
same then any ways in the least displease your Excell by con-
tending the matter &c^{a} That since that your Pet^{r} is informed
that your Ex^{ncy} has been pleased to condescend so farr as to
Assent to an explanatory Law by the Burgesses & Delegates
of this province prayed for, that the former Act should not be
construed to Extend to Virginia, but that it should be lawfull
to transport Goods from this place to Virginia without any
such Imposition. That your pet^{r} is only a servant to S^{r} John,
and what he did was in discharge of his trust without the least
thought or intention of Evading any Act or Law of this pro-
vince, and your pet^{r} knowing that many had transported Goods
out of Maryland to Virginia in Potomock River without paym^{t}
of the Duty was the easier perswaded therein, neither has any
other paid it as your Pet^{r} can vnderstand, by means whereof p. 319
your Pet^{r} if compelled to pay it must needs come vnder his
Imployers Reflections, being the only person paying the same
for transporting to Virginia in potomock River although
many others have done the like as well as your pet^{r} And
whereas this present Gen^{ll} Assembly have declared that it was
never intended such Goods Exported to Virginia should pay
the s^{d} Impost your Pet^{r} humbly prays your Excells favour there-
in and th^{t} your pet^{r} by your Excell & Councills goodness be
remitted of the s^{d} Imposition of Ten ℔ Cent, and his s^{d} Sloops
seized as afores^{d} discharged.

And as in Duty he shall &c^{a}

The which being Read, the following Remarkes were made thereon, Viz^{t}

1st That he make Appear that the Officer at Williamstadt informed him it was lawfull to transport any Goods to Virginia in Potomock River, without paying the Duty of Ten ℔ Cent.

2^{d} How he was willing to pay the same, seeing he transported the Goods without paying the s^{d} Duty.

3^{d} That he make it appear what persons have transported Goods out of Maryland to Virginia without paying the s^{d} Duty.

Lib. H. D. 4thly It is observed that by the whole scope of his petition he makes as if he were the only person Aim'd at to pay the said Duty, out of some prejudice conceived by the Governm^t^ of himself or his Imployers.

Lastly as to the late explanatory Act about the s^d^ Duty, it is Referred to M^r^ Attorney & Sollicito^r^ Gen^ll^ to Advize whether the Law can looke back to an Act done before, as also that they consider of the above Remarkes & petition & Return their Report to this Board accordingly.

p. 320 To his Ex^ncy^ the Govern^r^ & Councill &c^a^

In Obedience to your Excell^s^ Commands herevnto Annext We humbly say—

1^st^ Cap^t^ Cheshire being demanded by Us how he could make it appear that the Officer at Williamstadt informed him it was lawfull to transport &c^a^ He saith he can prove the same.

2^d^ He says he was willing to pay the Duty of Ten ℔ Cent had the same been demanded of him.

3^d^ He pretends not to make appear any other Goods Transported to Virginia, but in potomock River, from one side to the other.

4^th^ Being by Us demanded what he meanes by these Words, he declares that if his Intentions are not so clearly Expressed as it should be, that he is extremely sorry for the same, for that he is so farr from conceiving any such thing, that he is sensible of many favours rec^d^ in this Concern, but that he is doubtfull his Employer should suspect & Accuse him for ill Managem^t^ &c^a^ And lastly as to the late Explanatory Act We conceive that in Reguard the Representative Body of this province has declared that it never was their intent the s^d^ Act should extend so farr as to Charge the Ten ℔ Cent on Goods carryed to Virginia & no farther, and that the Duty was to be Applyed to the vse of the Province, it remains with your Ex^ncy^ & Councill either to Require or Release &c^a^ All which is humbly submitted to yo^r^ Ex^ncy^ by

Yo^r^ Excell^s^ most obedient
Servants
George Plater
W^m^ Dent

By his Ex^ncy^ the Gov^r^ & Councill

May the 16^th^ 1696.

The Report of M^r^ Attorney & Sollicito^r^ Gen^ll^ vpon the above Remarkes & Ord^r^ being Read; as to the first where the Pet^r^

says he can make proof &c[a] He is Required to do it. As to the last, this Board did Referr to have their Opinions in matter of Law & not in matter of favour, and therefore Ordered that their Report be return'd what the Law say's in that Case. Lib. H. D.

Signed p Ord[r]

Hen: Denton C of Concil

Came M[r] Thomas Collyer Navall Officer &c[a] who by his humble petition prayed that consideration might be had for his trouble & Expence of Seizing the aforementioned Sloops, which was in like manner also Referred.

Wherevpon M[r] Attorney & Sollicito[r] Gen[ll] Reporting that in as much as the Gen[ll] Assembly has declared by a Law that the Ten p Cent Act was never designed to extend Goods Exported for Virginia only are therefore of Opinion that respect may be had to the intent of the Law makers in this case.

As to M[r] Collyer, that he ought to be allowed his legall Charge & Expences.

As to the proof Required &c[a] the same is made apparent by the Depositions of W[m] Taylard & Joshua Broadbent here produced, which were Read & Ordered to be lodged among the Councill papers.

Ordered therevpon as it is hereby Ordered that the Ten p Cent for the aforementioned Goods Exported &c[a] be taken off And that the Sloops exporting the same be dismissed from vnder Seizure accordingly, paying the Officer his just ffees therefore.

Commis-sion[rs] & Clk of the Court of Review &c[a] ffees Order'd

Ordered that what ffees are taken by the hono[ble] the Secretarie of this province, that the same be allowed to & taken by the Clerk of the Speciall Court of Review inter Lingan & Crauford & no more, and that the Commission[rs] be allowed the same, as the Gentlemen of the Councill are. Ordered that the s[d] ffees be taken for Appeals & Writs of Error brought before his Excell & Councill &c[a]

May the 18[th] 1696.

The Councill again Sate & were p[r]esent as before. Whitehall

Lr[e] from the Comodore Read & Ord[r] inde

Produced & Read a Letter by his Excell rec[d] from Cap[t] Jackson Commander of his Ma[ts] hired ship, the Smirna Merchant of the 14[th] instant giving an Acco[t] of his being Ordered to Virginia together with his Ma[ts] hired ship, the Tyger for convoying the ships now in the Countrey for England, desiring Answer when the ships here will be ready: Whitehall

Lib. H. D. Ordered therevpon that the Collectors & Navall Officers take care to give Notice to the severall Masters of ships within
p. 341 their respective Districts for to Return an Acco^t to his Excell the Govern^r in writing what time the s^d ships (now in the Countrey) will be ready to Sayle, and th^t none of them be Cleared, but what shall give Bond to go down to Point Comfort in Virginia to joyne his Ma^ts s^d hired ships there, in Ord^r to go vnder their Convoy.

Produced & Read the following Petition p^resented by the Clerk of this Board, Viz^t

To his Excellency ffrancis Nicholson Esq^r Cap^t Gen^ll & Govern^r in Chief in & over his Ma^ts Province & Territory of Maryland; and to the hono^ble his Ma^ts Councill thereof.

The humble petition of Henry Denton Clerk of the said Councill, and (by Speciall favour) appointed Clerk vpon a Commission of Review.

Henry Dentons petition about his ffees of the Speciall Court &c^a

Sheweth

That whereas vpon a List of ffees taxed (by the hono^ble the Commission^rs appointed for Reviewing a certain sentence of a Court of Delegates in a matter of controversy depending betwixt one George Lingan, Adm^r &c^a of John Abington deceased Complainant & James Crauford Def^t) and p^rsented for the Regulation of this hono^ble Board; your Excell & Hono^rs finding no Act of Assembly of this province, directing the settlem^t of any ffees proper to be taken by the Clerk of such Court, were therefore pleased to Ord^r the same ffees as are (by Act of Assembly) to the hono^ble the Secretary prescribed; as also the like for Appeals & Writs of Error before your Excell & hono^rs brought; but your petition^r (vpon Inquiry) conceiving that business determinable in such Superiour Courts have ffees proportionably Allowed; does therefore most humbly pray that the afores^d Ord^r may be at present suspended & not become a standing Rule, untill such time as the Assembly does either settle those ffees by an Act or that your Petition^r can procure an Authentick Copy of ffees (out of England) taken in like cases; your Pet^r being very willing (in the interim) not to medle with or demand any satis-
p. 342 faction for Matters of that nature vntill the same be Adjusted & setled as afores^d But as for what Judgm^ts vpon Appeals & Writs of Erro^r have already passed before your Ex^ncy & hono^rs your Pet^r most humbly Craves the Costs thereon ffiled may be confirmed the Attorneys being guided in filing their s^d Bills of Cost according to the constant practice & Rules for taxing Cost of like Nature, not only in the Lord Baltemores time, but

also during the Governm^t of his Excell Lyonell Copley Esq^r his Ma^ts late Govern^r in Chief of this province; the Record being made vp answerable thereto; for your pet^r did not in the least question that any Error could have been committed by him in following that Rule, untill the Assembly had considered an Alteration therein, which they have not yet done, notwithstanding your pet^r did lay before the House (at their own instance) a List of ffees, by the Rule & practice afores^d taken; Your Pet^r therefore does submissively hope for & beg that a favourable construction may be put vpon all these Matters & his Request Answer'd in confirming, what in matters of Appeal &c^a has before been past, and in suspending the aforementioned Ord^r for the present Regulating of the ffees of both Courts, as is afore promised, & your Pet^r as in duty bound, Lib. H. D.

Shall Ever pray &c^a

By his Ex^ncy the Govern^r & Councill &c^a

May the 18^th 1696.

Ordered (at the Request of the Pet^r) that the ffees due to him as Clerk of the Speciall Commission of Review, as also the ffees due to him vpon Appeals & Writs of Error brought before this Board, be left in suspense & nothing taken by the pet^r vntill such time as the Gen^ll Assembly of this province do declare by a Law what ffees shall be taken for the same, and that a former Ord^r of this Board therein, be at present suspended, according to the prayer of the pet^r

Signed p Ord^r Hen: Denton Cl Concil.

Produced by his Ex^ncy to the Board a letter by him lately Received from the hono^bl S^r Thomas Lawrence Baronet Secretary of this Province giving an Account of a most horrid & barbarous conspiracy intended against his Ma^ts sacred person, and of the happy discovery of the same; Ordered that M^r Speaker with what Members of the House of Burgesses are now in Town together with the Chief Justice of the Provinciall Court be sent for to Attend this Board, that the same may be imparted vnto them, that the true Report thereof may by them be dispersed throughout the province for fear of false Reports; who accordingly came vp & the s^d Letter was Read vnto them. p. 343 Whitehall

May the 19^th 1696.

The Councill again Sate & were p^rsent as before. Whitehall

The Lords Letter relating to the Conspiracy read

Produced & Read a Letter by his Excellency Rec^d from Whitehall signed by Eight of the Right hono^ble the Lords of his Ma^ts most hono^ble privy Councill of the 10^th of March past signifying his Ma^ts

Lib. H. D. Whitehall happy deliverance from a late horrid Conspiracy together with a proclamation for a thanksgiving day and severall other printed papers &c[a] giving the concurrent Account of the said Conspiracy as also a paper of News rec[d] from the hono[ble] John Povey Esq[r] one of the Clerks of his Ma[ts] most hono[ble] privy Councill, setting forth the manner of the s[d] Conspiracy; Ordered that M[r] Speaker, the Burgesses and Justices of the Provinciall Court (now in Town) be sent for to hear the same Read, and that Copyes of the said severall papers be prepared to be sent to the severall Counties of the province & published for prevention of false Reports, and that all the Clerks in Town be imployed to write the same out, there being no printing press here (at present) imployed.

Whitehall Ordered that a Proclamation be prepared for a day of publick thanksgiving for so rich Mercy extended to his Most sacred Ma[ty] & Kingdoms, in the preservation of his person from the treacherous & wicked Attempts & designs of his Enemies; to be kept thursday next by all persons residing within the Port of Annapolis & that day Month after within all the Counties of the Province.

P. 345 His Mats Letter touching Assistance to New York Read

Whitehall Afterwards produced & Read his Ma[ts] gracious & Royall Letter of the 2[d] of Jan[ry] last past vnto his Excell sent & directed signifying the Royall Command in Relation to the present assistance to be given to New York; Ordered that (for the generall satisfaction of the whole province) the heads of the s[d] Letter be drawn forth, to be sent & published in the severall Counties of the province, which was accordingly done.

Whitehall A proclamation for a publick thanksgiving being prepared, was signed by his Ex[ncy] & passed the Broad Seal of the province, the which follows in these Words, Viz[t]

By his Ex[ncy] the Cap[t] Gen[ll] &c[a]

A Proclamation

ffor a publick Thanksgiving

Maryland ss:

proclamation for a publick thanksgiving

Whitehall Whereas by a Letter Rec[d] from the R[t] hono[ble] the Lords of his Ma[ts] most hono[ble] privy Councill of the Tenth of March past & this day read in Councill, giving an Account of a wonderfull & happy deliverance of his Ma[ts] sacred Royall person from a barbarous intended Assassination and of a designed Invasion by the ffrench vpon his Ma[ties] Kingdom, whereby not only the destruction of his Royall person was plotted, but the totall subversion of the Governm[t]

and of the Religion & Liberties thereof; which by the great providence & mercy of Almighty God was (by a timely discovery) prevented; and duly considering that such great & publick Blessings do Call for publick and solemn acknowledgm^ts^ I have therefore thought fit (by the advice of his Ma^ts^ hono^ble^ Councill) to issue this my proclamation, hereby appointing & Commanding that a generall thanksgiving to Almighty God for these his Mercies be observed on thursday next within the Port & Town of Annapolis by the Justices of the provinciall Court now sitting and all the inhabitants & others then & there residing, and in the severall Counties & places within this province, on the third thursday in June next, strictly charging all his Ma^ts^ loving Subjects within the same to abstain from servile & corporall labour on those days & religiously to keep the same, and that the Ministers of the severall parishes do then Read divine Service & preach, as they will answer the contrary; And to the end due Notice hereof may be given, I do further Command the severall Sherriffs of the province to make Proclamation hereof in all Churches, Chappells & other publick places of Meeting within their respective Counties; Given at the port of Annapolis vnder the Broad Seal of the province, this 19^th^ day of May in the Eigth year of his Ma^ts^ Reign &c^a^ Annoq Domini 1696. Lib. H. D. p. 346

God Save the King. ffr. Nicholson

On the back of the s^d^ proclamation was thus written, Viz^t^ Whitehall

The Sherriffs are also Required to give Notice to the Gentlemen of his Ma^ts^ hono^ble^ Councill & Members of the House of Burgesses within their respective Counties, that the Royall Commands being Rec^d^ the Assembly will sit according to prorogation on the first of July next.

Signed p Ord^r^

Hen: Denton Cl Concil.

M^r^ Speaker, the Burgesses & Justices of the Provinciall Court do pursuant to Ord^r^ come vp, to whom was Read the afores^d^ severall Letters & papers; the Acco^t^ whereof (by private Letters, and from the hono^ble^ S^r^ Thomas Laurence Baron^t^ Secretary) was also given them yesterday; After which his Excell was pleased to Express his joy for the s^d^ happy News of deliverance, by a publick Entertainm^t^ made to the Gentlemen, begining his Ma^ts^ health. Whitehall

Lib. H. D.

May the 20th 1696.

The Councill again Sate & were

Whitehall

p^r^sent,

His Ex^ncy^ ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ &c^a^

Coll George Robotham, Coll Nich° Greenberry, Coll Charles Hutchins, Coll David Brown, Thomas Brooks Esq^r^

p. 347 Nantecoke Indians appear & make a present

The Nantecoke Indians appear at the Board, who signifyed by their Interpreter that there were seaven Towns belonging to them, and th^t^ one out of each Town was sent in the name of the rest, to pay their acknowledgm^ts^ and accordingly each of them made a present of skins; to which his Excell was pleased to Return for Answer

Whitehall

that it was not his Custom to Receive any presents, but however he would (as an acknowledgm^t^ of their kindness) accept of one skin from each Town but that for the future, when they had any Business here they should forbear bringing presents, for that their business should be as fully answered without as with p^r^sents.

Then they further acquaint his Excell that there are three Towns more belonging to them, for which they Offer three skins, as an Acknowledgm^t^ for the s^d^ three Towns and desire to know in generall his Ex^ncies^ pleasure; who is pleased to tell them that he Ratifyes & confirms whatsoever power Govern^r^ Copley had before given them, and in Return of their p^r^sents gave them a p^r^sent of severall bottles of Rum̃e.

The following Report of M^r^ Attorney Gen^ll^ vpon S^r^ Thomas Laurence's petition & the Lord Baltemores answer about the Land Office &c^a^ being Read, was Ordered to be Entred in the Journall of this Board, being a Copy from the Originall attested by the hono^ble^ John povey Esq^r^ one of the Clerks of his Ma^ts^ most hono^ble^ privy Councill, together with a Copy of the Ord^r^ of Councill thereon, attested by the hono^ble^ Sr Thomas Laurence Baron^t^ Secretary of this Province.

May it please your Majesty

Mr Attorney Genlls Report vpon Sr Tho: Laurence's petition

p. 348 about the Land Office

In humble obedience to your Ma^ts^ Ord^r^ of Reference of the ffourth of this instant Jan^ry^ vpon the petition of S^r^ Thomas Laurence Secry of Maryland relating to his Office & the passing Grants in that Province; and the Lord Baltemores Answer thereunto I have heard both parties therevpon, and the first thing in controversy between them, being whether the

Warrants & patents for Land in that province to be granted Lib. H. D.
by the Lord Baltemore the proprietor thereof, and the Returns
& Entries of Certificates from my Lords Surveyo^{r} ought of
Right to be prepared & pass through the petition^{rs} Office, or
by such persons as my Lord Baltemore should think fit to
Appoint; my Lord Baltemore to Avoid any further Dispute
therevpon did Offer, that in Case such Warrants & Grants &
Certificates might be prepared & passed by his Officers, That
such ffees as are allowed by the Acts of Assembly there for
the same should be equally divided between the petition^{r} &
the Secretary of the s^{d} province for the time being & his
Officers, which Offer the Petitioner is willing to comply with
as to his own concern therein, if your Ma^{ty} shall think fit so to
direct.

The next thing in question being whether such Grants to
be made by the Lord Baltemore should pass under his Lo^{ps}
Seal or vnder your Ma^{ties} Greater or Lesser Seal of that
province, in custody of your Ma^{ts} Chancellor there.

The Lord Baltemore made the same Offer as before, that
the ffees for sealing such Grants should be divided between
those persons be should Appoint to Seal such Grants & your
Ma^{ts} Officers in whose custody your Ma^{ts} Lesser & Greater
Seal of the Province shall be, so as he may have leave to Seal
such Grants with his own Seal; which Offer the Petition^{r} is
willing to comply with, if your Ma^{ty} shall think fit to approve
thereof; and as to all the other Matters mentioned in the said
petition, Viz^{t} that all such Grants & Patents to be made by the
Lord Baltemore should be Recorded in the Petitioners Office,
and that the Records of that Province Which are the Inrolled
Securities of all the ffreeholders Estates there, may Remain in
the pet^{rs} Office as Secretary, who has given security for the
safe keeping thereof, and that the vsuall ffees for searches &
Copyes of the same may be paid by the Lord Baltemore &
his Agents as well as by other persons, and that no searches p. 349
may be made into the s^{d} publick Records but by the proper
Officer appointed with such ffees as are setled by Law, I am
humbly of Opinion that what the pet^{r} desires therein is reason-
able, except only that the Lord Baltemore may have leave by
his Servants and in the p^{r}sence of the petition^{r} or any appointed
by him to make search, and take Copy's of former Grants &
Patents in Ord^{r} to make vp his Rent Rolls without paying any
ffees for the same, which the pet^{r} does not oppose.

All which is humbly submitted to your
Ma^{ties} Royall Wisdom

Jan^{ry} the 21th 1695. Thomas Trevor

A true Copy Ex^{d}
p John Povey

Lib. H. D. At the Court at Kensington, the 13th of ffebry 1695.

Present

The Kings most Excellent Majesty.

Lord Arch B. of Canterbury	Earl of Bridgwater
Lord privy Seal	Earl of Stanford
Lord Steward	Earl of Monmouth
Marquess of Winchestr	Earl of Tankervile
Lord Great Chamberlain	Viscount Dursley
Lord Chamberlain	Mr Secretary Trumball

Mr Smith

Vpon Reading this day at the Board a Report of Sr Thomas Trevor Knight his Mats Attorney Genll in the Case of Sr Thomas Laurence Secretary of Maryland in the Words following, Vizt May it please your Maty

In humble Obedience &ca (Reciting this Report Verbatim) Which being taken into consideration, His Maty was pleased to Approve thereof & to Order in Councill that the said Report & every part thereof be duly complyed with as well by the sd Lord Baltemore as the Petitionr and to that End doth direct that this Ordr be Recorded in the Petitionrs said Office of Secretary of Maryland

John Nicholas

Whitehall, March the 11th 1696/5.

A true Copy Exad by me

Thomas Laurence.

May the 20th 1696.

Coll Beal brings in custody an Indian

Whitehall

Came Coll Ninian Beale before his Excell the Governr & the honoble Coll Charles Hutchins, who signifying that he had brought an Indian belonging to the Emperour of piscattoway, being surrender'd vp by the sd Emperor & his great Men, as a suspicious person to have been concern'd in the Murther lately Committed in those parts, and of his threatning to bring fforraign Indians to do mischief there; as by a paper vnder the sd Emperor & two other of the great Mens hands produced, did appear; Wherevpon the sd Indian being sent for & examined, was Committed into the Custody of the Sherriff to be close confined.

p. 339

At a Councill, May the 21th 1696. Lib. H. D.

present

His Exncy ffrancis Nicholson Esqr Capt Genll &ca
The honoble Coll Nicholas Greenberry
Coll Charles Hutchins
Coll David Brown

Lre from Coll Addison together with Depositions touching the Murther &ca

Produced at the Board a Letter by his Excy Recd from the honoble Coll John Addison, together with a couple of Depositions inclosed in Relation to the aforesd Murther which were Read; Ordered that the Ordr inde
sd Depositions & papers be delivered to Mr Attorney & Sollicitor Genll for them to make Report therein as to matter of Law, as also to the Justices of the provinciall Court Whitehall
for their pervsall & Report likewise, which were accordingly delivered to Mr Attorney Genll at the Board together with a Copy of the Articles of peace &ca

The same came Reported as follows, Vizt

To his Excy the Governr &ca

May it please yor Excell

Attorney & Sollicitor Genlls Report vpon the above Ordr

We have consulted these papers relating to the suspected Indian, and as to their weight & efficacy in Law, We conceive that it is not sufficient Evidence in Law to Convict the Indian, though perhaps of weight enough as We conceive with a Grand Jury to find a Bill, but that cannot be done this Court, the Jury being discharged; therefore We conceive he ought to be secured till the Assembly, and in the mean time that Warrant should issue for the securing the other Indian sworn against by parker & Montray; All which is humbly submitted to your Excell by Whitehall

Yor obedient Servants
George Plater
Willm Dent

The Justices of the Provinciall Court do Concurr with the p. 340 Whitehall
above Result, and that Care may be taken for the Apprehending and securing of the Annacostin King, who formerly was Comitted into Custody vpon suspicion of being guilty of a Crime of the like Nature.

Signed p Ordr
H Wriothesley Clk.

The sd Report was Approved off, and Warrant was accordingly issued & sent vnto the honoble Coll John Addison, together with some Instructions how to Act in that affair.

Lib. H. D. p. 350 The Justices of the Provinciall Court & Lawyers being sent for came, to whom his Ex^ncy is pleased to put the Question, how Matters in the Tryall of Titles of Land shall be Regulated, Viz^t that the Sherriffs & Surveyo^rs may not be objected against without some legall Exception, and th^t the Lawyers would give their Opinion whether the Provinciall Court can make a Rule that the Juries summoned & sworn vpon such Matters may (after the Runing out of the Land &c^a) be confined in some particular place & kept together from fire & Candle vntill they have Agree'd of their Verdict, the which to be put in Writing vnder their hands & Seals & close sealed vp, and delivered vnto the Sherriff of the County in Ord^r to be given to the Clerk of the Provinciall Court, and not to be broke open till the Tryall.

That the Provinciall Court be Adjourned vntill the last Tuseday of September, at the End of which, another Court to sit so many days for hearing all Matters of Law.

Queries to the Attorneys how Attaints may be brought ag^t Juries &c^a

Ordered that the R^t hono^ble the Lords of the Committee of Trade & forraign Plantations be humbly supplicated that they would please to give directions how Attaints may be brought ag^t Juries in this Countrey and if to be done, by what Rule they may be brought.

How matters of fact vpon Appeals brought before the Governo^r & Councill may be tryed; And when an Erro^r in ffact is Assigned vpon an Appeal or Writ of Error brought to a Superiour Court, before whom such ffact is not cognoscible, what course shall be taken to Trye that Matter of ffact.

Ordered that the aforegoing Quæries be put to the Lawyers of the provinciall Court for them to make Return of their Opinions therein as likewise make Answer to the following Case put, Viz^t

Edward Randolph Esq^r Qui tam Agts John Blackmore & the ship Ann

Vpon Appeal from the provinciall Court to the Governo^r & Councill; the Error in Law Assigned, was that the Bond taken for the s^d ship being an illegall Bond the provinciall Court Judgm^t ought to be Reversed; therevpon the Councill for the King moved whether the Reversall of that Judgm^t might not be deemed condemnation of the ship, producing some Authorities; But the Defendant Arguing that there being matter of fact to be decided, Viz^t p. 351 whether the ship tooke in Tobacco before Bond given, therefore ought not to be condemned before th^t matter of fact is tryed.

Ordered that the Attorneys Return severally their Opinion therein in Ord^r to be sent for England.

The Lawyers Opinions in the aforegoing Queries return'd are as follows, Viz[t] Lib. H. D.

Mr Carrolls Opinion about Attaints &c[a]

In Obedience to your Ex[ncies] Ord[r] to me for giving my Opinion in three severall Quæries put by your Ex[ncy] I humbly offer that as to the first where your Ex[ncy] puts the Quære Whether Attaints may be brought against Juries in this Countrey, and if to be done, by what Rule they may be brought.

I am of Opinion that in as much as We have no particular Law of our own Countrey relating to such a matter and having a generall Law whereby it is Enacted that in whatsoever Case our own Law is silent, that in such Case the Law of England must be pursued, that therefore Attaints may be brought against Juries here, and that the Rule they must be brought by, is the same Rule whereby they are brought in England, which Rule is plainly set down in our Books, & would be too tedious to insert here, there having severall Alterations been made therein by severall Statutes. As to the second where the Quære is, when any Error in ffact is Assigned vpon an Appeal or Writ of Error brought to a Superiour Court, before whom such ffact is not cognoscible, what course shall be taken to trye that matter of fact. I am of Opinion in the first place that an Error in ffact may very well be Assigned as appears clearly in our Books, and that such Error is not to be tryed by the Judges before whom it is Assigned, quia ad questionem facti non respondent Judices, but ꝑ pais that is a Jury of the Neighbourhood where such fact did Arise, for the impannelling whereof there must issue a Venire facias to the Sherriff of the County, and if the ffact assigned be found by the Jury, the Judges before whom the Writ of Error was brought are to give their Judgm[t] vpon the Law that arises out of the s[d] ffact Quia ex facto Jus Oritur p. 35[2] et ad questionem Juris non respondent Juratores sed Judices, and if the ffact so found be an Erronious ffact, the Judges ought to Reverse the Judgm[t]; And I am further of Opinion (though it be some what beside the Quære) that in this Countrey there ought to be a greater latitude allowed in assigning of Errors, and the merits of the Cause to be more inquired into by the Judges before whom an Appeal or Writ of Error is brought, than in England; Because some of our Judges & some of our Juryes (which for want of knowing, and more consciencious Men must of necessity be made vse off) do oftentimes Judge according to the Affection or disaffection they have for the person plaintiffe or Defendant, and not according to the Merit of the Cause or the Law that Arises vpon the pleadings thereof; This I should not have the confi-

Lib. H. D. dence to Averr, had I not been an Eye Witness and a hearer of Matters which make it evident; for which digression from the Quære, I humbly beg your Ex^ncies^ pardon.

As to the third Quære, which concerns the particular case of Esq^r^ Randolph & Blackmore vpon an information exhibited by the s^d^ Randolph against the Ship Anne whereof the s^d^ Blackmore was Mast^r^ for taking severall hogsheads of Tobacco on Board before such Bond given, as the Act of Parliam^t^ in such case Requires; the said Master coming to Tryall in the Prov^ll^ Court, and it being acknowledged & given for Granted that there was Tobacco taken on Board before any other Bond was given than the Bond then produced in Court & shewed to the Jury, the only question then Remaining to be determin'd was whether that Bond was a sufficient Bond according to the Act of Parliament, which being a Question of Law ought to be Judged off by the Judges, but the Jury taking the s^d^ Matter of Law vpon themselves found the s^d^ Blackmore and his said ship, not guilty & consequently Judged the s^d^ Bond to them produced to be a sufficient Bond in Law, for which Reason the s^d^ Randolph Appealed to your Excell & Councill & Assigned for Error the insufficiency of the s^d^ Bond according to the Act
P. 353 of Parliam^t^ vpon which your Ex^ncy^ & Councill thought fit to Judge the s^d^ Bond insufficient in Law & consequently to Reverse the Judgm^t^ of the Provinciall Court whereby the said ship was cleared.

I am therefore of Opinion that vpon the Reversall of the Judgm^t^ of the Provinciall Court for the Reason afores^d^ the ship ought to be condemned, because that whensoever a Writ of Error is brought in a Superiour Court vpon a Judgm^t^ given in an inferiour Court, if the Judgm^t^ of the inferiour Court be Reversed for any Errors assigned then and in such Case the Superiour Court ought to give the same Judgm^t^ as the inferiour Court ought to have given, if such Error had not happened; Now if the Error of Judging the s^d^ Bond sufficient had not happened in the provinciall Court but that the s^d^ Bond had been Judged there insufficient (as your Excell & Councill adjudged it) then without all dispute they ought to have Condemned the Ship, consequently your Ex^cy^ & Councill having Judged the s^d^ Bond insufficient, and the not doing so being the Error of the Provinciall Court, The Judgm^t^ to be given by your Ex^ncy^ & Councill (I humbly conceive) is that the ship be Condemned according to the directions of the Act of Parliam^t^ and for any person to come now & Alledge in barr of such Judgment that there is Matter of fact to be still inquired into (viz^t^ whether the said ship tooke in Tobacco before Bond given) is idle fforreign, and now too late to alledge, because it was given for Granted & allowed vpon the Tryall that Tobacco

was taken on Board before any other bond was given but that bond which is now Judged insufficient, and the sufficiency of the Bond was the only thing insisted vpon in the provinciall Court, which being adjudged by your Ex^ncy & Councill insufficient it must of Necessity follow that the Ship must be condemned, which is humbly offered to your Ex^ncy as the Opinion of Lib. H. D.

Yo^r Ex^ncies most humble &
most obedient Servant
Charles Carroll

Mr Goldesboroughs Opinion about Attaints &c^a

1: In Obedience to your Ex^ncies Commands, I have considered That an Attaint is a Writ that lyeth where a false Verdict in a Court of Record vpon an issue joyned by the parties is given.

2: That there is not any need of Knights to be in the Pannell of the Grand Jury, for that if they be Gentlemen of vnquestionable integrity honour & fidelity, the Law is satisfyed with them, and the Law Requires that they should be persons of such Repute that there may not be the least ground of fear that they will be corrupted, & therefore it may be brought in this province. p. 354

3: It must be brought in th^t Court where the Record of the first Verdict remaineth & not else where. Brook Lit Attaint 21. E. 3. 10. 16 Ass. pl. 4.

4: It may be brought in this Province supposing it to be but as one County and the severall Counties as so many hundreds, out of which the Grand Jury must come.

The words of the Writ of Attaint directed to the Sheriff are &c^a Et diligent inquirer as qui fuerunt Jurator primæ inquisitionis and by this Writ he must destrain them if they be living, by their Lands to appear &c^a if they have not any thing whereby they may be destrained, or if they be dead the Sheriff must Return this vpon his Writ, 34 Ass: p 6. And this Writ of Attaint may be maintain'd as long as any two of the petty Jury are living, 2H: 4.18: 12H: 4.10. Br Attaint folio 70: Vide Bro Lit Attaint folio 73.

4 Mi nota dicitur que sur inform fait par le Roy que passer sur issue try, le Roy ne le informer Navera Attaint quar le informor nest pleynem^t partye & quant le def^t ad respond, le Attorney le Roy reply le Roy et Nul puis mencōn est puis del informor et ideo lune ne lauter Navera Attaint.

I am of the same Opinion with this Reporter
Will^m Dent.

1: When a Man sues a Writ of Error vpon an Erronious Judgm^t if he sues out a Scire facias ad Audiendum Errores, he

Lib. H. D. cannot after that Assign any Error which is matter of ffact, Rolls Tit Error ffol 762.

2: If he Assign Matter of ffact for Error a sci: fa: shall be Granted, 18H: 6: 19.

And it seemeth to me that vpon the Return of the Sci: ffac: & the Appearance of the Def^t^ therevpon in that Court where the Writ of Error is Returnable, and where the Error is Assigned the Plaintiffe & Def^t^ shall join issue, which issue
p. 355 must be sent to that Court where the first Cause was Tryed, and shall be there tryed by Twelve Men, and then it shall be sent to that Court where the Writ of Error is depending, and then they must proceed accordingly. This I humbly submit to your Ex^ncy^ as the Opinion of

Yo^r^ Excell^s^ most humble Serv^t^
R: Gouldesborough

I am of the same Opinion with the above Reporter.
Geo: Plater

I am of the same Philip Clarke

I subscribe to the same Opinion Rob^t^ Carvile

In obedience to your Ex^ncies^ Commands, to Certifye my Opinion, in the Case of Edward Randolph Esq^r^, who as well for our Soveraign Lord the King as for himself prosecuted against John Blackmore & the ship Ann &c^a^ I have considered

1: That in the case of a Subject only & where the King is not concern'd in the Suit; if a Writ of Error be brought in a Superiour Court vpon a Judgm^t^ given in an inferiour Court, and the Judgm^t^ be therevpon Reversed for Error in the Judgm^t^ given in the inferiour Court; then the Superiour Court ought to give the same Judgm^t^ as the inferiour ought to have done in case they had not Erred, Rolls 1^st^ part, tit Error ffol 774, Delamore & Hoskins Case, Lim 10 Car Rot 900 adjudged Hoskins & Cheles Case, Mich: 14 Caroli in B R adjudged, and Omuleourie & Aires case adjudged in a Writ of Error vpon a Judgm^t^ in Ireland, Mich, 13 Car in Banco Regis Rot 332.

2: In the principall Case the information was brought ag^t^ the ship vpon the Statute supposing that she had not observed the form of the Statute, but had taken on Board Tobacco before any Bond was given according to the form of the Statute, and was thereby become forfieted to the King and to the Informer Vpon this the Master of the ship appeared & pleaded not guilty & puts himself vpon the Countrey, and the Informer Joynes issue.

The point in issue to be tryed was whether the ship tooke Lib. H. D.
in Tobacco before Bond given or not; and if the Def^{t} had given p. 356
the Bond in Evidence to the Jury at the Barr to Maintain &
support the Matter in issue, if the Bond was not a good Bond
according to the form of the Statute, the Kings Councill or
they that were of Councill with the Informer ought to have
demurred in Law to such Bond given in Evidence, and then
vpon Demurrer joyned the Judges would have given Judgm^{t}
whether the bond was according to the form of the Statute or
not, and whether twas good Evidence or not to the jury; for
the Jurye cannot Trye whether the Bond be a good Bond or
not, but this must be tryed by the Judges, being a matter of
Law, and it cannot come before them but by Demurrer, and
the Jury are sworn to Trye the ffact only, Viz^{t} whether the
ship tooke in Tobacco before bond given or not; And if the
Informer will not Demurr to the Bond when 'tis given in Evi-
dence to the Jury then it shall be taken to be a good Bond,
and if the Jury find against him, he cannot vpon a Writ of
Error in a Superiour Court Assign for Error that the bond
was not a good bond, because he did not take advantage there-
of in the first Action, Vide Rolls tit Error ffol 781. 20 Ass:
3M: 40: 41 Eliz: B: R: Smith & Odyhams case adjudged p: 16.
Jacobi. B: R: Markham and S^{r} ffra: ffortescues Case adjudg-
ed P. 9. Caroli. Lord Powes & Kirtmans Case adjudged, Nat
Brev ffo: 21. Brook tit Error 34. 3. H. 4. 6.

Vbi Eadem Ratio ibi idem Jus esse debet.

3: The Law seemeth to have a far greater care of the ffact
than it hath of it self; for it will not believe the ffact vntill it be
sworn by Twelve Men of the Vicinage where the ffact did
arise, and if Eleaven of the Inquest be Agreed about the ffact,
and the twelfth man not Agreed, there can be no Verdict, but
in the Law it is otherwise for there the Major part of the Judges
do give Judgm^{t} what the Law is, although the other Judges
dissent; but as to the ffact, the whole Inquest must Agree
before there can be any Verdict, and when they are Agreed
vpon the ffact, and have delivered this to the Court, then is it
said to be a Verdict which is of so much esteem in the Law
that it shall be credited vntill it be vndone by Attaint &c^{a}

4: When the Matter of ffact is once tryed, there is not any need
to trye that again; for being once well & sufficiently tryed the
Law is contented therewith; and in this principall case there is
not any thing as touching the ffact Assigned for Error (but in
Law that the bond was not a good bond only) and the Law
intends that the Jury tryed the fact, Viz^{t} whether the ship had p. 357
taken in Tob^{o} before bond given or not, and they finding for the
Def^{t} it is as much as if they had in express Words said that
she did not, & then there being not any Error in the prosecu-

Lib. H. D. tion of the said information, the Matter of ffact (as it seemeth to me) is determined and the Verdict of the Jury is to stand in full force, and the Judges could do no otherwise than Credit the Verdict & Give Judgm^t^ according to it; for the Judges are not to take notice, as I do humbly conceive, whether the Bond was good or not, being a thing meerly collaterall & was not any part of the Record which was before them; But if the Kings Counsell or they that were of Counsell with the Informer would not Demurr they have tacitly confessed the bond given in Evidence to be good, and the Judges are to take it to be so, vnless the Kings Counsell or the Counsell for the informer shew the contrary vpon their Demurrer.

5: In all cases where the King is party 'tis a Rule in Law that the King being Caput Reipublicæ & Juris, Requires th^t^ Justice should be done between him & his people with all the favour that may be towards his people Vide Doc. & Stud. Chap. 48.

This I do humbly Offer to your Ex^ncy^ as my present Opinion in the principal Case & begg leave to Subscribe my self

June 17^th^ 1696. May it please your Ex^ncy^

Yo^r^ Ex^ncies^ most humble Serv^t^

R Gouldesborough

June 22^th^ 1696.

I do concur with the above Opinion with this further Addition, that I humbly conceive, that at the Tryall it was not
p. 358 Debated whether the Def^t^ after the Bond in question was past shipped Tobacco on Board or not for that I presume was admitted, but what did weigh with the Jury to find the Def^t^ not guilty was a permit of Trade vnder the hand & Seal of the Collector which was produced to the Jury as Evidence for the Def^ts^ Clearing. And if the same permit was not sufficient Evidence in Law to indemnify the Def^t^ against the breach of the Law the Counsell for the plaintiffes ought to have demurred therevnto, as in the third Article above is mentioned; so that the Counsell for the plaintiffe having waved that advantage & the permit not being contradicted the Jury (in my Opinion) might well find the Def^t^ not guilty without the danger of an Attaint, if any Attaint in this Case would lye, which most of the Books agree cannot.

Shep Epit. 121. 122. The King or an Informer cannot have this Writ ffitz. Na. Br. Verb. Attaint says the same, Only I find in Cro: 1. part Abrid N° 731. The Queen & Ingorsells It was the Opinion of the Justices that an Attaint lyes where a Verdict passeth against the Queen, vpon an Information. And furthermore if the s^d^ permit did dispose to the breach of

the Laws of Trade, who shall incurr the penalty I humbly submit to your Ex^ncies grave Judgm^t & consideration. Lib. H. D.

Rob^t Carvile
I am of this Opinion. Will^m Dent

The Constables Order'd to Return List of Taxables

Ordered that the Sherriffs do procure from the severall Constables within their Respective Bayliwicks, the List of Taxables by them to be Return'd vnto his Ex^ncy the Govern^r & Councill by the 1^st day of July next, wherein they are to be very exact & to follow the Directions of the Law in that Case, and th^t they further take care (where they find any supernumerary Tythables, which by former Ord^rs from this Board they were directed diligently to looke after) that they produce a List thereof before the Justices of the County Court to be held in June next & make Oath to the same in Ord^r that due Credit may be given to the Countrey, the Counties & parishes where such supernumerary Tythables live; which s^d Lists so proved are afterwards to be Returned vnto his Ex^ncy &c^a at the time & place before directed; And further Ordered that the Sherriffs do by the s^d time Return an Acco^t of their Collection of the severall Sum̄es of Tobacco by Act of Assembly due from the severall Publick Officers within this Province, the which by a former Ord^r from this Board they were Ordered to Collect & Receive. Sffes about Supernumerary Tythables. p. 359

His Ex^ncy is pleased to demand of the Board if there be any thing else at p^rsent importing his Ma^ts or Countreys service for to Offer; and nothing further being Offered they broke vp for this time. Whitehall

An accot of the quarter part of the 1^st p hhd

A brief and full Acco^t of the Quarter part of the 1^s p hhd Recd by George Plater Esq^r his Ma^ty Receiver Gen^ll &c^a Since the Arrivall of his Ex^ncy ffrancis Nicholson Esq^r as follows Viz^t

	lbs	s	d
Rec^d by Bills of Exchange arising out of the 1^s p hh^d as p Ord^r of Councill Dated the 24^th day of 7^ber 1694 appears ffoll. 61	250	00	0
Rec^d by Bills of Exch^a out of the 1^s p hh^d as appears ffoll. 211 : the Sum̄e of	305	12	02¾
And paid by his Ex^ncy to Cap^t Tregeny as p Receipt appears the Sum̄e of	003	02	00
Which s^d three sum̄es amount in all to ffive hundred ffifty Eight pounds ffourteen shillings & two pence three ffarthings, being the full Quarter part of the 1^s p hh^d Recd by his Ex^ncy ffrancis Nicholson Esq^r Cap^t Gen^ll &c^a pursuant to his Ma^ts Royall Instructions, Viz^t	558	14	02 ¾

Lib. H. D. You are pursuant to his Ma[ts] Royall Instructions to me bearing Date at Whitehall the Eighth day of March 169¾ Viz[t] And whereas by an Act past in the Assembly in Maryland the 30[th] day of Aprill 1679 An Impost of two shillings ꝑ hh[d] is laid upon all Tob[o] exported out of our said Province, One Moiety of which Impost is by the s[d] Act appropriated for the Use and Support of the Governm[t] Our Will and Pleasure is that towards the maintenance of the Governm[t] of our s[d] Province, You take to Your own Use three ffourth parts of the s[d] Moiety of the Impost of two shillings ꝑ hhd: of Tob[o] appropriated as aforementioned by the s[d] Act, And you are to take Speciall Care that according to the intention of the s[d] Act, the Remaining fourth part of the Moiety of the s[d] Impost be duly applyed towards the maintaining a Constant Magazine with Arms and Amunition for the Defence of our s[d] Province.

P[r] Contra C[r]

p. 360 The s[d] George Plater discharges himself of the s[d] Quarter part by Arms and Amunition Sent for in pursuant to two Severall Ord[rs] of Councill the one bearing Date the 24[th] of Septemb[r] 1694, and the other bearing Date the 20[th] day of May Anno 1695, ffoll. 61. & 176. the Invoyce of w[ch] Goods are as followes, Viz[t]

London 18 December 1695.

Invoyce of Goods on board the Ship James Robert Lurting Master for the Proper Acco[t] and Riscoe of M[r] George Plater, for the vse of the Province of Maryland, Viz[t]

P & M			lbs	₤	d
N° 1: 2.—In 2 Deale Cases cost				9	
80 Carbines with round locks & Varnisht Stocks at 17[s]			68		
N° 3: 4.—In 2 Deale Cases cost				6	
50 p[r] of horse Pistolls round locks Varnisht Stocks & Brass Caps at			50		
N. 10.—In a Case				3	6
20 Carbines round locks Varnisht Stocks at	17[s]		17		
20 Carbine belts and Swivels at	2[s]	6[d]	2	10	
N° 11.—In a Case Cost				3	6
50 p[r] of horse Pistolls round locks Varnisht Stocks & Brass Caps			50		
In a Cask Cost				2	
20m̄ fflints	18[s]		18		
N° 5: 6.—In 2 Casks Cost				5	6

		lbs	s	d	Lib. H. D.
6 Dragoon Drums and Sticks		3	18		
12 p[r] heads at		2	2		
3 Setts Snares at			2		
N° 7.—In a Case Cost			3	6	
80 Cartouch boxes and belats t	3 : 10	15	6	8	
20 granado pouches at	7 : 6	7	10		
80 byonets & belts	2 : 3	9			
80 Carbine belts	2 : 6	10			
3 powd[r] proovers	2 : 8		8		
3 Ditto	4 : 10		14	6	
1 Large Union fflagg		4	10		
1 Small ditto		1	10		
N° 8.—In a Case Cost			2		
6 brase Trumpits at	30	9			
N° 9.—In a hh[d] Cost			4		
20 dragoon Sadles and all ffurniture		20			
N° A.—In a Cask Cost			2		
25 pick Axes	2 : 3	2	16	3	
25 Mattocks at	2 : 3	2	16	3	
50 sett wheel barrow Irons	9	1	17	6	
4 Bundles Canvas and Cord cost			1	4	
4 doz[n] Steele Spades at		7	12		p. 361.
4 bundles q[t] 4 Doz[n] Shovells		2	16		
20 Rundlets q[t] 20[lb] musket bullets	13 : 9	13	15		
20 Ditto q[t] 20[lb] Carbine bullets	13 : 9	13	15		
20 Ditto q[t] 20[lb] Pistoll bullets	13 : 9	13	15		
for the 60 Carrying to the Key	9	2	5		
10 hand mortars		28			
200 hand Granado Shells at	14[d]	11	13	4	
600 ffusees			12	6	
Custome of the Goods		6	6		
Cockets, Serchers, Porters, Shipp: & boat hire a board		4	11		
My Commission £404. 4. 4. at 2½ p C[t]		10	02	1	
		414	06	5	
ffraight for the Goods		10			
		424	6	5	

Erro[rs] Excepted
Peter Paggen

The quarter part of the Revenue by the afores[d] M[r] Plater Rec[d] is	558	14	2¾
The money by him Paid for Arms &c[a] as above is	424	6	5
Remains Still in M[r] Platers hands in Arrears	134	7	9¾
	558	14	2¾

Lib. H. D. By his Ex^ncy the Governo^r &c^a May the 25^th 1696.

Ord^r abt laying out the parish at William-stadt

Ordered th^t the Parish be laid out at Williamstadt, pursuant to the Ordinance of Assembly and that the Tob^o formerly Ordered out of the Parishes towards the building the Church there, be either laid out for that Vse or Sold for bills of Exch^a or Ready money pursuant to former Ord^r

Ord^r for prosecution of the County Justices and Burgesses

Ordered that due prosecution be made by M^r Attorney and Sollicito^r Gen^ll ag^t such Justices of the County Courts as have made any publick allowances to the Burgesses of the house of Assembly (in their Last County Leavy) contrary to Law; and that such Burgesses demanding and Receiving such illegall allowances be in like manner prosecuted, The Severall County Lists being herewith given for their p^rusall and directions.

Ord^r for New Publishing Severall proclamations

Ordered that Publication be made by the Respective Sherriffs that a Proclamation touching Pensilvania Trade of the 17^th of Aug^t past, And that another of the 15^th of Octob^r past ag^t Exportation of Corn and another of the 25^th of Jan^ry after ag^t Sea-
p. 362 men travelling without passes (formerly Issued and published) are to Continue in force Untill further Ord^r And that the same be Read anew in the Severall Counties.

Ord^r touching Tob^o lying in the hands of the Vestry of Coventry parish in Somerset County

Whereas a Certain Ord^r or Resolve of the House past this last Assembly that the Tob^o lying in the hands of the Vestry of Coventry Parish in Somerset County should be appropriated towards the purchasing a Glebe; Ordered that the Sherriff give Notice to the s^d Vestrymen th^t they presume not to dispose thereof for that Vse, but that the same be sold pursuant to a former Ordinance of Assembly.

Ord^r touching the Lots at William-stadt & Town Common &c^a

Ordered th^t noe Person pay any greater Value, for the Lots laid out at Williamstadt than what the Same were by the late Jury Appraised at; nor that the motion made, by M^r Nicholas Lowe in the House of Burgesses in Relation to the Agreem^t made ab^t the Town Common for 12000^lbs of Tob^o be in the least taken notice of; notwithstanding any Ord^r Vote or Result of the House therein, there appearing no Assent of his Ex^ncy or Councill to Confirm the Same.

Maryland ss Lib. H. D.

Dinah Nutheads Bond for Printing

Know all men by these presents that We Dinah Nuthead of Ann Arrundell County Widow Robert Carvile and William Taylard of S[t] Maries County Gent[n] are held and firmly bound unto his Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] and Governo[r] in Chief &c[a] in the Sume of one hundred pounds of lawfull money of England to the w[ch] paym[t] well and truly to be made & done We bind our Selves each and every of Us our and either of our heirs Ex[rs] & Adm[rs] joyntly & Severally for the whole and in the whole firmly by these p[r]sents Sealed with our Seals and Dated the fourteenth day of May Anno Domini 1696.

Whereas the above bound Dina Nuthead having p her Peticon humbly supplicated his Ex[ncy] the Governo[r] for Leave & Lycence to set up her printing press for printing blank bills bonds Writs warrants of Attorney Letters of Administration and other Necessary blanks usefull for the publick Offices of this province which being Referred to the House of Assembly and there Assented to, and by his s[d] Ex[ncy] and Councill accordingly Ordered She giving bond &c[a].

Now the Condition of this Obligation is such that if the s[d] Dinah Nuthead shall exercise and Imploy her printing press and Letters to noe other use than for the printing of blank bills bonds writts warrants of Attorney Letters of Adm[rcon] and other like blanks as above s[d] nor Suffer any other person to make use thereof any otherwise than afores[d] Unless by a particular p. 363
Lycence from his Ex[ncy] the Governo[r] first had and obtained And further shall save harmless and indempnifye his s[d] Ex[ncy] the Governo[r] from any Damage that may hereafter Ensue by the said Dinah Nuthead misapplying or Suffering to be misapplyed the afores[d] Printing press or letters otherwise than to the true intent & meaning before expressed, Then this Obligation to be Voyd or else to Remain in full force and Virtue.

Sealed and Delivered in the p[r]sence off.
H: Wriothesley
Hen: Denton
John Newsam.

Dinah her O mark Nuthead (Seale)
Rob[t] Carvile (Seale)
W. Taylard (Seale)

Decemb[r] the 10[th] 1694.

May it please Yo[r] Ex[ncy]

Coll Robothams Return abt Mr Clayland and Mr Leech.

In pursuance of an Ord[r] of Councill from your Ex[ncy] and Councill I have made enquiry what Ord[rs] M[r] Leech and M[r] Clayland have for preaching and performing a ministeriall ffunction in Talbot County and Concerning M[r] Leeach his marrying one John Stephens.

Lib. H. D. Mr Leech for Answer Saith, he was Ordained by Bishop Wood, Bp of Litchfield and Coventry and shewed his Ordrs and doth Confess that he marryed the above sd Stephens and tht his ffriends are all now well Satisfyed.
Mr James Clayland Sayth he was Ordained in the Year (66) Deacon, and in the Year (67) full minister by Wm Nicholson Bp of Glocester, but hath left his Ordrs and is Ready to be deposed or that he Can send for them, likewise he Sayth, he Shewed them to Governor Copley.

Your Excncies most humble Servt
George Robotham

At a Councill held at the Port of Annapolis the 2d day of July, Whitehall in the Eighth Year of the Reign of our Soveraign Lord King William the Third &ca Annoq Domini 1696.

Present

His Excncy ffrancis Nicholson Esqr Capt Genll &ca

The honoble { Coll Nicho Greenberry, Coll David Browne, James ffrisby Esqr }

Whitehall Coll Browns motion abt allowance for transporting Arms &ca and Ordr thereon

The honoble Coll David Brown Representing that he having applyed himself to the Justices of Somerset County Court for allowance for transporting Arms and Amunition from St Maries to that County part whereof was Rejected; Ordered thereupon that
p. 364 the said Justices Return Answer in writing against the next provinciall Court for their soe doing the sd Charge being imediately for his mats and Countreys Service.

The honrble Coll George Robotham came and was Aded.

Sherriff of Kent Countys Bond Ordered to be put in Suit at the Request Whitehall of the Vestry of St Pauls Parish in the sd County.

Read a Petition of the Vestry of St Pauls parish in Kent County desireing the Sherriffs Bond may be put in Prosecution for non payment of the 40 p poll pursuant to the Act &ca

Ordered that it be Referred to Mr Attorney and Sollicitor Genll and that they put the sd Bond in suit accordingly.

St Michals Parish Vestry in Talbot County Ordd Whitehall to make Use of the 6030 lbs of Tobo all former Ordrs to the Contrary being Dismissed

The Petition of the Vestrymen of St Michalls Parish (relating to 6030lb of Tobo detain'd in the hands of Mr Samll Withers late Sherriff of Talbot County by Virtue of an Ordinance of Assembly &ca) being Read, and the Clerk of sd Vestry also appearing and producing the Register of the sd Vestry proceedings which was likewise Read, whereby was found that the sd Tobacco was otherwise disposed off, before the sd Ordinance passed: the sd Clerk making

Oath to the s[d] proceedings; Ordered thereupon that the s[d] Ordinance of Assembly and all other Ord[rs] from this Board relating thereto be suspended and Set aside, And that the s[d] Withers Answer and pay unto the s[d] Vestrymen the aforementioned Sum̄e of 6030[lbs] of Tob[o] by them to be disposed off according as they have already Ordered and that vpon the s[d] Withers refusall or delay of paym[t] they proceed ag[t] him to Recover the same by Law. Lib. H. D.

Clerk of Somerset County Court Ordr[d] to Return a perfect List of the Co: Levy

Ordered that the Clerk of Somerset County Court, return an Acco[t] of the particulars of the publick Leavy laid for that County last Year; which by his Return (here Received) does not appear to be done, pursuant to former Ord[r] Whitehall

Ord[r] for the Vestry's of Dor. Co: to build a Chapel of ease in each parish

Vpon Representation and by Advice in Councill Received; Ordered that the Vestrys of the two Parishes belonging to Dorchester County build a Chappell of Ease in Each parrish in some place lying most convenient to the parishion[rs] with the Consent of the maj[r] part thereof; provided they have any Tob[o] lying in Banck for doing of the Same. Whitehall

Coll Addison dispenc'd with from attending the prsent Councill

Vpon Representation, Ordered that the hon[rble] Coll: John Addison be dispenced with this present sessions of Assembly from attending at the Councill Board here and that he make a Journey up to the Garrison to See all things right Order'd there, and give such necessary directions upon this Advice of Indians&c[a] as he shall find Occasion. Whitehall

ffryday July the third 1696.

The Councill again Sate and were p[r]sent as Yesterday except Coll Brown.

Ord[r] for prosecution of John Salter

Came John Salter and Thomas Brough, who according to Summons, made their personal appearance; the s[d] Salter (pursuant to Ord[r]) producing the Agreem[t] by him Enter'd into with the Commission[rs] of Talbot County Co[rt] about leasing the s[d] Court house which was Read. Whitehall

His Ex[ncy] asks him how he Came to Require an allowance for Repairs of the s[d] House, Seeing he is Obliged by Agreem[t] to keep the same in Repair who makes Answer that it was for an Alteration made therein; He is asked whether he has Rec[d] the Tob[o] allowed him for the Same, who says he has; Ordered thereupon that M[r] Attorney and Sollicito[r] Gen[ll] prosecute the p. 365

Lib. H. D. Said Salter for breach of the s[d] Agreem[t] by taking Tobacco for Repairs when he was bound to keep it in Repair by that Agreem[t].

M[r] Brough the former Tennant is asked whether the s[d] Salter made any objection when he Surrendred the Same house up to him, who Says he did not.

The hon[rble] Coll David Brown Came & was Aded.

Whitehall Read the following Deposition, Viz[t]

The Deposition of Thomas Roberts of Baltemore County Aged fforty Years or thereabouts.

This Deponent Sayth.

Tho: Roberts Deposition abt Capt Oldton

That Cap[t] Oldtons party of Rangers being at one time in; and the Leive[ts] party out upon Ranging, he did not goe out to Releive the Leiveten[ts] party according to appointm[t] Whereupon the Leivten[ts] party came in, and so both parties were in at one time.

That the s[d] Rangers do not live at the place Setled beyond Whitehall the inhabitants, but that they Come in among the inhabitants and further Sayth not.

July the 3[d] 1696.

Sworne to before his Ex[ncy] in Councill by the above[s]d Thomas Roberts.

Hen: Denton C of Concil

Capt Oldton Ordred to make Answer in writing to Tho: Roberts Deposition; and Instructions abt his Ranging

Ordered that Cap[t] John Oldton Commander of the Party of Rangers in Baltemore County make answer in writing to the above Deposition, & that for the future he take care that they live all together at the place Setled beyond the inhabitants, and that while the one party goes out a Ranging the other party keep Constantly at the Garrison and that they go out upon a Munday and Return upon a Saturday (except some extraordinary occasion happen out) and so keep together at Whitehall the Garrison all Sunday, and then the other party go out again the next day.

That he take Care to Return an Acco[t] of his Ranging at least once a Month, if opportunity happens, pursuant to former Instructions which thing he has not yet Observed nor Complyed with, That if those Persons now under his Command will not accept to Comply with this and the former Instructions that he get other Persons that will accept thereof.

The Same Ord[rs] and Instructions sent to Cap[t] Brightwell Comander of the Party of Rangers upon Potomock. Lib. H. D. Whitehall

July the 6[th] 1696.

Came Cap[t] John Oldton and in Answer to the Deposition of Thomas Roberts says that the Information therein Contain'd is false, as he Can prove by the whole Company and that he had Offered the Leiveten[ts] place to him once who Rejected it; Whereupon he put in another; And lastly he does say that the s[d] Roberts is altogether unquallifyed for the s[d] Office; He is Ordered to make answer in writing what way the s[d] Roberts is unqualifyed, and why he was not put in his Leivten[t] pursuant to Ord[r]. p. 366

Port of Annapolis July the 6[th] 1696.

W[m] ffreemans Rect to his Ex[ncy] M[r] Workman for 58[lb] 11[s] 06[d]

I do acknowledge to have rec[d] from his Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] & Govern[r] in Chief of his ma[ts] Province of Maryland and M[r] Anthony Workman in part for a House which I am to build, the Sum[m]e of ffifty Eight pounds eleven Shill[s] & sixpence sterl. as witness my hand the day and year above s[d]

Test John Morrogh
Hen: Denton

W[m] ffreeman p. 106

July the 7[th] 1696.

The Council again Sate and were p[r]sent

His Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] &c[a]

The hon[rble] Coll: Henry Jowles, Coll: George Robotham, Coll: Nich[o] Greenberry, Coll: Charles Hutchins, Coll: David Browne, Thomas Brooke Esq[r]

Order for prosecuting Severall Members of Assembly and Justices &c[a]

Ordered that M[r] Attorney and Sollicito[r] Gen[ll] doe imediately (after the Assembly is dissolved) prosecute the Severall Members that have taken Tob[o] of the people contrary to Law and the Justices of the County Courts for allowing thereof and that they prepare what process they think most agreeable to Law ag[t] that time.

Ord[r] for prosecuting M[r] Kenelm Cheseldyn and Coll John Cood &c[a]

Ordered likewise th[t] Due prosecution be made ag[t] M[r] Kenelm Cheseldyn and Coll John Cood, about the money by them taken (in the time of the Revolution) without the Kings Ord[r] and that they insist upon good Bayle.

Lib. H. D. p. 368

Ordr for the Co: Justices and Vestrys to give a List of Marriages.

Ordered that the Sherriffes of the Province forthwith give Notice to the Severall County Justices and Vestrymen within their Repective precincts that the sd Justices and Vestrymen take Care to make and Cause to be made Strict inquiry in all parts of their respective County's and parishes what persons have heen marryed by Lycenses Since his Excncies arrivall in this province, and who have marryed without Lycenses &ca or asked to Church; And that the sd Accot be given to the Severall Vestry and County Clerks who are to make an Exact List there of & Return the Same unto his Excncy at the port of Annapolis by the 29th day of September next, under penalty of being proceeded agt for Contempt.

Ordr to the Colonels of the ffrontier County's

Ordered that the Colonels of Ann Arrundell, Prince Georges, Baltemore & Cæcill Counties (being ffrontier Counties) have their Severall Troops and Companies always in a Readiness with their Arms well fixed (upon any occasion which may happen) and upon discovery by any person of either ffrench or fforreign Indians, that notice by such person be forthwith given to his Excncy the Govr and to the Colonel of that County where such Indians are discovered who is to Raise such force as he shall see necessary.

This Ordr to be made publick by the Sherriffs of the sd Counties and copy thereof given to the Colonels of the same.

Tho: Ennalls Pet abt a portugueez boy & Ordr thereon.

Upon the petition of Thomas Ennalls here preferred relating to a Portugueez boy taken from the Island of the Maderea's by Jeremi: Waters master of the Ship Hare and by him left at Carolina, in wch he desired some Releife from this board for procuring the sd Boy to be Return'd to his Parents &cca the wch petition being Referred to Mr Attorney and Sollicitor Genll for them to make Report what methods were best to be taken therein who reporting tht that the best way to Compell the sd Waters thereto, was by Warrant from His Excncy which might Cause him to give Security for the Same: pursuant Whereto a Warrt being drawn was produced, Read and Signed by his Excncy who was also pleased to write a Lre to the Governr of Carolina thereabout; the Severall papers relating thereto are as follows Vizt

Part of a Lre sent from the Madera concerning the foregoing Matter, Vizt

Via Salem
M^r Thomas Ennalls }
& Samuell Chew } S^rs

Lib. H. D.

Part of a L^re sent M^r Ennalls &^ca touching a portugeez boy

M^r Waters Carryed away in the Brigantine a Portugueez Boy against his Consent, who was one wee sent with him in the Night to Shew him the way aboard, and getting him on board detayned him there which was very ill Done and has given Us much trouble here with the Bishop of this Island, We have Engaged to Return him again, therefore please to let him be sent p^r ffirst and ought to be at the mast^rs Cost also carryed away a Chest and Cloaths that belonged to a mate of a Pink whom he promised to Carry with him in his Brigantine please to secure s^d Chest and Cloaths for its right Own^r

p. 369

Via New York. March the 10^th 1696.

S^r To the foregoing have nothing to add but Confirmation and to Continue our Requests concerning a Portugeez boy w^ch we Request may be sent p^r first Vessell that offers from thence or New York, this day Arriv'd a ship from Liz^n but no News from England with due reguards we Kiss yo^r hands and remain

S^rs Yo^r most humble Servants
Rich: Miles & Rich: Bell

Maryland: ss

His Ex^ncys Warr^t for apprehending Jeremi: Waters

Whereas it hath been Represented unto me in Councill by Thomas Ennalls of Dorchester County Merch^t that one Jeremi: Waters Master of the Brigantine belonging partly to the s^d Thomas Ennalls late Come from the Madera's did at his departure and coming from thence clandestonly and in an Unjust manner bringing with him a Portugueez boy ag^t his will by Occasion whereof the English Consul of that place hath Received some trouble and inconveniency and hath advised the s^d Thomas Ennalls thereof and that he the s^d Consul stands ingaged for the s^d boys Return there again & because the s^d Thomas is now fitting out a Vessell for that place again & that the s^d Jeremi: Water did not bring the s^d boy into this province with him but left him at Carolina where he touch, Coming in hither &c^ca

These are therefore to will and Require and to Straitly Charge and Command You the severall sherriffs of this province all or any of You in Whose bayliwick the s^d Jeremi: Waters shall be found that immediately upon Sight hereof you apprehend and take into Your Custody the body of the s^d Jeremi: Waters and him in Safe Custody Keep till you have Convey'd him before some one of his Ma^ts most hon^rble Coun-

Lib. H. D. cill of this province next Adjacent to the place where the s[d] Jeremi: shall be taken, who is hereby Required to Examine the premisses and take good Security of the s[d] Jeremi: to procure the s[d] Boy from Carolina into this province with all expedition and to be delivered to the s[d] Tho: Ennalls in Ord[r] to his passage home again and if the s[d] Jeremiah shall refuse to give
p. 370 such security that he be Recommited to the Custody of such Officer again there to Remain till he procure the s[d] boy to be brought here as afores[d] or give such Security as afores[d] for all w[ch] this Shall be your Warrant Given under my hand and Seal this 9[th] day of July in the Year of our Lord 1696.

ffr: Nicholson

July the 7[th], 1696.

Presented by Cap[t] Oldton the following Return in writing which was Read Viz[t]

To his Ex[ncy] ffrancis Nicholson Esq his ma[ts] Cap[t] Gen[ll] of Maryland &c[a]

According to an Ord[r] of yo[r] Ex[ncy] to Thomas Roberts to be Leivten[t] under the Conduct of John Oldton by your Ex[ncy] appointed Cap[t] of the Rangers of Baltemore County: the motives and Reasons which Yo[r] Ex[ncy] Requires to the s[d] Ord[r] are as thus.

That the s[d] Thomas Roberts is altogether incapable of the managemen[t] of the s[d] Office, and that the persons that are under my Conduct say, that they will not be Commanded by
Whitehall the s[d] Thomas Roberts, he being by them taken to be a moross sort of a Person and altogether unwilling to be by him Comanded. These Reasons and Objections I hope may weigh with your Ex[ncy] and therefore I humbly Pray the Liberty of the Choice of Tobias Stanborough to be my Leivt[nt] which doubt not but your Ex[ncy] will admit off, when seen, being the needfull that Offers from.

Yo[r] Ex[ncies] most Obedient Servant
John Oldton

Ordered th[t] Copy of the above Return be sent to the s[d]
Whitehall Thomas Roberts for him to make answer thereto with all Convenient Speed.

Ordered that the hon[rble] Coll: John Addison furnish Coll: Ninian Beal with as much Amunition as he finds he shall have Occasion for.

It being Ordered in Assembly that the Choptico and pomunky Indians &c[a] Should (dureing this time of warr) be
Whitehall under the Empero[r] of Piscattoway;

Ordered that a Commission pursuant thereto be prepared to pass the Broad Seal.

July the 7th 1696. Lib. H. D

The s[d] Commission being accordingly prepared was Read and approved off and was Signed by his Ex[ncy] and passed the broad Seal of the province, which follows in these words, Viz[t] Whitehall

Maryland ss

Commission constituting the Empr of Piscattoway Comandr of all the Indians on the Western Shore.

William the Third by the Grace of God King of England, Scotl, ffrance and Ireland Defender of the ffaith, &c[a]

To Ochotomoquath Cheif Ruler (and Commonly Called Empero[r]) of the Piscattoway Indians living in Charles County on the Western Shore, Greeting, We Reposing Especiall Trust & Confidence in the prudence, courage and Integrity of You the s[d] Ochotomoquath have therefore thought fit to Constitute and appoint and by these presents doe constitute and appoint you the s[d] Ochotomoquath to be Cheif Comand[r] and Gov[r] over all the Nations of Indians living within the limits and precincts of this province in any part or place whatsoever on the Western Shore and for to Rule and Govern them in such manner and fform and by Such Rules and Ord[rs] as is Customary amongst you, Provided You the s[d] Ochotomoquath do well and truly Observe, perform and Obey all such lawfull Instructions and Commands as You shall from time to time Receive from Us or our Cap[t] Gen[ll] and Govern[r] in Cheif of our s[d] Province hereby Willing and Requiring all the s[d] Severall Nations of Indians to be Obedient and Subject unto you the s[d] Ochotomoquath in the Execution of this our Commission, under pain of our displeasure; And lastly We do hereby declare Ordain and Appoint that you the s[d] Ochotomoquath shall and may hold Execute and Enjoy the Office and place of Comand[r] in Chiefe over all the s[d] Severall Nations of Indians living & Residing on the Western Shore within our s[d] Province together with all the powers and Authorities hereby Granted unto you for and dureing our will and pleasure; Given under the Broad Seal of our s[d] Province this 14th day of July in the Eighth Year of our Reign &c[a] Annoq Domini 1696. Witness our Trusty and well beloved ffrancis Nicholson Esq Cap[t] Gen[ll] and Governor in Cheif in and over our s[d] Province and Territory of Maryland. ffr. Nicholson. Whitehall p. 367

Taken into Consideration the Sending an Answer to the Governo[r] of New Yorks last Letter by his Ex[ncy] Rec[d] of the 22th of June last past the w[ch] accordingly was done the s[d] L[re] & Answer following in these words Viz[t]

Lib. H. D. Governr of New Yorks Lre of the 22th of June 1696 to his Excy

Sr, I Recd Yor Excys of the 19th of May the 12th of June: I have nothing now to Communicate from hence but that I have not been able to obtain one man from any of the Neighbouring Colonies toward the reinforcing of our ffrontiers, but with Some difficulty's have reunited his Mats Companys. Three of them are Whitehall at Albany, which is all the force I can make for the Security of that place.

My own is in this ffort, the burden of this province is very heavy it must Sink without assistance. I shall not be wanting I hope in any part of my Duty, but Endeavour to Overcome all difficulties as becomes a Loyall Subject and honest man.

Sr Edmund Andros sent one thousand pounds money of this Countrey to the assistance what yor Excy mention'd in Yors of May the 19th will be a seasonable Kindness in our great Necessity I am

New York June 22th 1696. Yor Excys most humble Servt
Governr of Maryland. Ben: ffletcher

Maryland Port of Annapolis, July the 8th 1696.

His Excys answer to the p. 372 Govr of New Yorks Lre

Sr

I Recd Yor Excy's Lre of the 22th of June past which I Communicated to the Genll Assembly of this his mats province, the inclosed Resolve being in Answer thereto. We have (as yet) no acco[t] of the Arrivall of any of our London Ships, tho we are in daily hopes of them so no European News can be sent yor Excy by him who is,

Yor most humble Servant
Governr New York. ffr: Nicholson.

By his Excy the Governr & Councill &ca July the 6th 1696.

Proposed that the House send Some further Supply towards the assistance of his Mats Governm[t] of New York pursuant Whitehall to the Governr of New Yorks last Lre now lying before the House for their Consideration; His Excy being willing to lend the Countrey money upon that Occasion if wanting.

Signed p Ordr
Hen. Denton C of Concil.

The sd proposall came answered thus, viz[t]

By the House of Burgesses, July the 8th 1696.

This house humbly thank his Excy for his generous Offer; but considering how much they are already Engaged to his Excy for money by him already advanced upon that Acco[t] and Whitehall how uncapable they are at prsent to reimburse him, and Con-

ceiving themselves, to have sufficiently advanced towards the assistance of New York; Especially having paid to the Governm^{t} 130 odd pounds more than what his Sacred Ma^{ty} hath been pleased to declare should be in lieu of the Quota from this province do not think themselves Obliged any wayes to contribute thereto untill his Ma^{ts} Royall pleasure shall be further declared therein; which this Province with all Obedience will wait for. Lib. H. D.

Signed p Ord^{r} W. Bladen C of Assembly.

Maryland Port of Annapolis July the 8th 1696.

His Exncys Lre to the Governr of Carolina abt the portugueez boy

S^{r}

Complaint being made unto me and his Ma^{ts} hon^{rble} Councill by Maj^{r} Thomas Ennalls of this province part owno^{r} of the brigantine called the Hare whereof one Jeremi: Waters is Mast^{r} who tooke from the Ile of Madera's a portugueez boy ag^{t} his Consent whose parents made Complaint to the Bishop of that Island upon w^{ch} two English Merch^{ts} Rich^{d} Miles & Rich: Bell are likely to Come to great trouble. The s^{d} Ennalls tells us that his Master inform'd him that the s^{d} Portugueez boy was taken from him some time last Spring by Yo^{r} hon^{rs} Ord^{r} as also forty Shillings and we are acquainted by a Gentleman here p^{r}sent that he saw the s^{d} portugueez boy in Carolina. p. 370

The Request of Thomas Ennalls is that the s^{d} boy may be deliver'd to the bearer hereof in Ord^{r} to be Return'd to his parents that those Gentlemen in Madera may Come to noe prejudice by it.

Your Hon^{rs} Ordering that the portugueez boy be deliver'd up will be a peace of Justice and an Obligation to Yo^{r} humble Servant ffr: Nicholson

Govern^{r} of Carolina.

July the 9th 1696.

The Councill again Sate and were p^{r}sent. Whitehall

His Ex^{ncy} ffrancis Nicholson Esq^{r} Cap^{t} Gen^{ll} &c^{ca}

The honr^{ble} Coll: George Robotham, Coll: Nich^{o} Greenberry, Coll: Charles Hutchins, Coll: David Brown, Thomas Brooke Esq^{r}, James ffrisby Esq^{r}

The Quarter part of this years Revenue Computed

An Acco^{t} being drawn up as farr as at p^{r}sent is Collected how much the quarter part of the 1^{s} p hh^{d} this year does amount to, the Acco^{t} of Potomock Pocomoke, and most part of Petuxent Districts being given in, upon perusall whereof the Same was found to

Lib. H. D. Whitehall p. 373 amount to 104[lbs] 17[s] 07[d] Sterl Ordered that half of the s[d] Revenue be lodged in m[r] Platers hands to be imployed towards the fixing the publick Arms of the province; such of them as can be fixed conveniently here, and that the Colonel of each respective County take Care to see the s[d] Arms well fixed accordingly; but that they first p[r]sent the Charge thereof to the Com[rs] of the County Courts for their allowance which if Refused that then Satisfaction be made for the same out of the s[d] Quarter part lodged in M[r] Platers hands as afores[d] and that the other half be transmitted to Cap[t] Pagan there to Remain untill it be seen what Occasion there will be &[ca].

Whitehall Ordered that M[r] Plater get ready the Lists and Acco[t] of shiping this year, to be be sent by Cap[t] Barbar or Cap[t] Pellew at the farthest.

Ord[r] to the Colonels for to change the Gun Powder &ca

Whitehall Ordered that the Colonel of each respective County within this province give Notice to the severall Officers under their Command having the Custody of any publick Powder, that they take Care (where they find any of the barr[lls] deficient) for to get them new hoopt, and upon Arrivall of the ffleet, th[t] they get all the s[d] Powder changed; And it is hereby further Ordered that the Severall Collecto[rs] Speake to all the Masters of Ships at their Entry making and treat with them about it, and acquaint them it will be taken as a kindness done to the Countrey in the Exchanging the Same, which to be proposed pound for pound, but rather then faile they are to make some Small allowance.

Ann Smith Ordrd to be Reprieved.

Vpon Signing a Warr[t] of Execution against an Indian and English Woman, persons Condemned for Murther.

Whitehall Proposed whether the s[d] Woman (called Ann Smith) now lying under Sentence of Death for murthering of a Negro boy, shall be Reprieved or not; it being Represented that She is very penitent & may deserve mercy; Whereupon the Sherriffe being Sent for and the s[d] matter being debated the Sherriffe is asked, if in Case a Repreive should be Granted, whether or no he would be Content with what Work She might doe, and not put the Countrey to Charge, untill his Ma[ts] pleasure shall be known therein who Says he will be Content with her work without putting the Countrey to Charge; Resolved thereupon that She be Reprieved, but that the thing be kept private and not made known untill She has made her Speach at the place of Execution, understanding She has Something which burthens her Conscience to discover, which she deferrs till then.

Ordered that an Instrument for that end be drawn up to pass the broad Seal of the province w^ch^ was accordingly done & Signed by his Ex^ncy^ & passed &c^ca^ and followes in these Words Viz^t^. Lib. H. D.

Ann Smiths Reprieve

William the Third by the Grace of God King of England Scotland, ffrance and Ireland Defender of the ffaith &c^ca^ To William Holland Sen^r^ high Sherriffe of our County of Ann Arrundell Greeting.—Whereas you lately Received a Warrant from Us (under our broad Seal of Maryland Dated the 9^th^ of this Instant July) for executing one Ann Smith Spinster of our s^d^ County, who was lately Indicted tryed and Convicted for murthering a Negro Boy; But forasmuch as it hath been represented unto Us that She is become exceeding penitent and Sorry for the same and may be deemed a fit Object of mercy; And more Especially calling to mind the infinite goodness and mercy of Almighty God lately extended unto our Self by preserving our Royall person from a late intended assassination, Do therefore Command th^t^ you (at p^r^sent) forbear Executing the s^d^ Ann Smith untill you shall Receive our further Ord^r^ therein; Given under the Broad Seal of our s^d^ Province this 11^th^ day of July in the Eighth year of our Reign &c^ca^ Annoq^r^ Domini 1696. Witness our trusty and well beloved ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ and Govern^r^ in Cheif in and over our s^d^ province and Territory of Maryland. Whitehall p. 374

ffr: Nicholson

Read the following Petition, Viz^t^.

To his Ex^ncy^ the Govern^r^ in Councill

The Petition of Thomas Tench.

Most humbly Sheweth.

Thomas Tench Esq his Peticōn abt a Ships foresayle & Rigging & Ord^r^ thereon.

That in Ord^r^ to the fitting out and making a Voyage to the Island of Maderas, with the Ship Ann of Maryland Since her Tryall & acquittall at a Speciall Court of Oyer and Terminer at Battle town in Petuxant River; yo^r^ Petition^r^ having also on board her some Commodities or merchandize proper for the s^d^ Voyage, did procure and put on board her great fforesayle and a parcell of New Rigging of the proper Goods and Chattells of yo^r^ Petition^r^ and in no wise before that belonging or appertaing to the s^d^ Ship.

That Since it so happeneth that the s^d^ Ship lyes now under Seizure in Custody of the Law, without any hopes or prospect as yo^r^ pet^r^ humbly Conceives of making the s^d^ Voyage or any other part in any Seasonable time untill such time as the s^d^ Whitehall

Lib. H. D. Sayle and Rigging together with other her materialls may be decayed, Spoyled and Rendered unserviceable and unfit for Use.

Yo^r^ Petition^r^ humbly Prays yo^r^ Ex^ncys^ consideration of the premisses for the Releif of yo^r^ petition^r^ by Granting him an Ord^r^ to the Sherriff of the County in whose Custody the said Ship and materialls are, for the delivery of the s^d^ Sayle and
p. 375 Riging properly your pet^rs^ unto Your pet^r^ w^ch^ will be great favour and Kindness to Yo^r^ Petitiono^r^ and noe wayes prejudiciall or injurious to any other person, in Law or Equity and Yo^r^ Pet^r^ as in Duty bound shall

Ever Pray &c^a^

Whitehall The s^d^ Petition was by Ord^r^ indorsed thus Viz^t^.

By his Ex^ncy^ the Govern^r^ &^ca^ July the 9^th^ 1696.

Ordered that the within petition be Referred to M^r^ Attorney and Sollicito^r^ Gen^ll^ for their advice therein, and that they make Report to his Ex^ncy^ accordingly.

Signed p Ord^r^
Hen: Denton C of Concil.

The w^ch^ Came Reported thus Viz^t^.

To his Ex^ncy^ the Govern^r^ &c.

In Obedience to this Command We are humbly of Opinion that if the goods petitioned for were put on board after the
Whitehall Vessell was Cleared and did properly belong to the pet^r^ they may be delivered to the pet^r^ which is humbly Submitted to your Ex^ncy^ by

Yo^r^ Obedient Servants
George Plater
Will^m^ Dent

By his Ex^ncy^ the Govern^r^ & Councill &c: July the 10^th^ 1696.

Whitehall The pet^r^ making it appear unto Geo: Plater Esq his Ma^ts^ Receiver Gen^ll^ that he has property in the s^d^ Goods as is by him affirmed the prayer of the pet^r^ is Granted.

Signed p Ord^r^
Hen: Denton C of Concil.

The hon^rble^ Coll David Browns Return of Jeremi: Waters Bond by him taken in Relation to the aforegoing matter, Viz^t^.

Maryland ss. Lib. H. D.

Jeremi: Waters bond for procuring the portugueez boy &ca

Know all men by these p^r^sents, That wee Jeremi: Waters of Somerset County in the s^d^ province of Maryland Marriner and Arthur Denwood of the County and Province afores^d^ planter are holden and ffirmly bounden unto Maj^r^ Thomas Ennalls of Dorchester County Merch^t^ in the full and Just Sume of two hundred pounds Sterl Current and lawfull money of and in England to be paid Convenient unto the s^d^ major Ennalls his heirs Executo^rs^ Adm^rs^ or Assignes To which paym^t^ well & truly to be made We bind Us or Either of us, our heirs or Either of them Joyntly or severally ffirmly In Witness whereof we have hereunto set our hand and Seals this Seventeenth day of July Anno Domini 1696. The Condition of this Obligation is such that if the above bounden Jeremi: Waters doth procure a Portugueez boy from Carolina and the same bring into this province & deliver him with all expedition to the s^d^ Maj^r^ Ennalls in Ord^r^ to his passage home to the Madera's as in a Speciall Warr^t^ Signed by his Ex^ncy^ ffrancis Nicholson Govern^r^ of this his Ma^ts^ province is expressed, & also save the s^d^ Ennalls & his Correspondents in the Madera's harmless and indemnifyed that then this Obligation to be Void & of none Effect otherwise to be in full force strength and Vertue. p. 371

Signed Sealed and Delivered Jeremiah Waters [Seal]
In the p^r^sence off us. Arthur Denwood [Seale]
W Boseman. The above s^d^ Bond taken by me,
W^m^ Heath David Browne,

July the 10^th^ 1696.

The Councill again Sate and were p^r^sent as Yesterday. Whitehall

Read an Information made by Matthew Scarborough as follows Viz^t^. The Information of M^r^ Matthew Scarborough of Somerset County.

M^r^ Scarboroughs information touching illegall Trade used at the Inlet in Somerset County.

This Informant Sayth, that about the middle of June last there Came a certain Sloope or Vessell from Philadelphia into the Inlet upon the Sea Side in Somerset County which (as this Informant being Credibly told) having her loading of Tob^o^ Provision and other Goods ready provided for her, tooke the Same on board and went away therewith without Entring or Clearing. Matth: Scarborough Whitehall

Taken before his Ex^ncy^ the 10^th^ day of July 1696.
Hen: Denton C of Concil

Lib. H. D. p. 376 Ordr to Coll Brown &ca abt the illegall trade at the inlet of So: County.

Ordered thereupon that the honrble Coll: David Brown go thither and take with him Majr Robt King Navll Officer and Geo: Layfield Esq his Mats Collector of Pocomoke District who are hereby Required to make inquiry abt that matter, and to Call and Cause to be brought before them all persons they find Requisite, and the same to Examine, and generally to Act and doe therein as they shall see Occasion, And if they think fit that it be for his Mats Service, that Vessells be permitted to come in there, that then they appoint some capable person for to Officiate in that place, hereby Empowering the sd Coll Brown to Administer the Oath of Trade and Navigation (herewith sent) unto such person so appointed; but if thought Useless to keep such Officer there that then Some person be appointed for to Seize all persons Vessells & Sloops coming thither; and that they make Return of their proceedings therein unto his Excncy at the port of Annapolis with all Convenient Speed.

Read the following Petition, Vizt.

To his Excncy ffrancis Nicholson Esq Capt Genll and Comandr in Chief in and over his Mats Province and Territry of Maryland.

The Petition of Thomas Collyer one of yor Excncy's Navall Officers.

Humbly Sheweth

Tho: Collyers Petition for Inlargemt of his Navll Officrs Comission and Ordr therein.

That whereas yor Excncy hath been pleased to appoint yor Petr to be Navll Officer of Choptanke District upon the Eastern Shore and yor Petr does humbly conceive that it was yor Excncys noble Intention that yor Petr should exercise the sd Office in as large and ample manner as the same would admit; and not that yor Petr in the exercising of the sd Office should be limmited and restrayned to great Choptanke Rivers onely, excluding thereby, little Choptanke Miles, Wye & Chester Rivers, touching the Granting of permits for Sloops and other Vessells, and other matters Incident and appertaining to the same Office, which yor Petr is totally deprived of and his sd Office is thereby Rendered of less Value; & the perquisites of Great Choptanke Rivers in Respect of the sd Office, are very Small and are not a competent Support and livelyhood for your sd officer.

Yor Petr humbly Prays yor Excncy to take this his Cause into your Consideration and that you would be pleased to Declare yor Excncy's pleasure therein By such Rules & Methods for the direction of yor sd Officer as to Yor Excncy shall seem meet; And Yor Petr as in Duty bound shall ever Pray.

By his Ex^ncy the Gov^r & Councill &c^a July the 10^th 1696. Lib. H. D. p. 377

The within Petition is Referred to the consideration of the House of Burgesses.

Signed p Ord^r Hen: Denton C of Concil.

By the House of Burgesses July 10^th 1696.

Vpon Reading the within pet^n This House doe desire his Ex^ncy will inlarge the pet^rs Commission as beleiving the same will be very Convenient and necessary.

Signed p Ord^r W Bladen C of Assembly

Maryland: ss

Tho: Collyers Power to Grant permits for Sloops & Shallops &c in Chest^r & Wye Rivrs

Whereas Thomas Collyer Nav^ll Officer of the Port of Williamstadt did by his humble petition pray that power might be given him to grant permits (according to the directions of a certain Act of Assembly of this province) to all open Sloops, Shallops and boats belonging to little Choptanke, Miles, Wye & Chester Rivers, w^ch s^d Petition being Referred to the House of Burgesses came Recommended back as a thing necessary to be done; I do therefore hereby Authorize and Empower the s^d Thomas Collyer for to Grant permits to all open, Sloops, Shallops and Boats (by the aforementioned Act Obliged to take out permits for a Twelmonth) belonging as afos^d he strictly pursuing the directions of the s^d Act, & not otherwise. Given under my hand and Seal this 13^th day of July Anno Dom: 1696. ffr: Nicholson

Justices for the divided County's appointed.

The Board proceed to Settle the Justices for the new divided Counties being regulated and appointed as follows, Viz^t

ffor S^t Maries County.

Kenelm Cheseldyn	Gent^n	Sam^ll Cooksey	Justices	Whitehall
Rich^d Cloud		Thomas Beal		
John Lowe	Quorum	Rich^d Benton		
Tho: Waughop		W^m Husbands		
James Keech		Jacob Moreland		

ffor Calvert County.

John Griggs		ffrancis Hutchins	
John Bigger	Gent^n	Sam^ll Holdsworth	
Walter Smith	Quorum	ffrancis ffreeman	Justices.
W^m Parker		John Hance	
		Elisha Hall	
		Thomas Smith	

Lib. H. D. p. 378 Talbot County Com[rs] now in Commission are thought fit to stand as they are, having Justices fitly placed already according to Division.

ffor Charles County:

Will[m] Barton	Gent[n] Quorum	Philip Briscoe	Justices.
Hen: Hawkins		Joseph Manning	
Ja[s]: Smalwood		Rich: Harrisson	
Phi: Hopkins		Benj[n]: Hall	
		Henry Hardy	
		Thomas Tawney	

A Petition of William ffrisby desireing to be excepted from being a Com[r] of Kent County was Read and Rejected.

ffor Kent County.

Will[m] ffrisby	Gent[n] Quorum	James Smith	Justices.
John Hinson		John Hawkins	
Hans Hanson		John Whittington	
Thomas Smith		Phi: Hopkins	

Whitehall Viz[t] ffor Ann Arrundell County, Some Com[rs] for the same being Wanting.

James Sanders	Gent[n] Quorum	John Worthington	Justices.
W[m] Holland Jun[r]		Philip Howard	
Nich[o] Gassoway		John Dorsey	
Sam[ll] Young		Seth Biggs	
Henry Constable		Henry Denton	

ffor Baltemore County for the Same Reason.

Viz[t]

Edw[d] Boothby	Gent[n] Quorum	Thomas Richardson	Justices
George Ashman		James Philips	
Marke Richardson		John Hall	
John fferry		Anthony Drew	
John Thomas		Richard Adams	
		Rich: Crumwell	

Whitehall Justices for the Provinciall Court.

Viz[t]

Robert Smith	Esq Quorum	Richard Hill	Edward Jones	Justices.
Henry Lowe		Thomas Tasker		
Philip Clarke		John Stone		
St Leger Codd		Thomas Stayley		
John Hamond		Robt King		
		John Pollard	Willm Hatton	

Ordered that Commissions pursuant thereto issue forth of the Secretary's Office, according to Vsuall Custom and form Constituting and appointing the Severall Persons therein Nominated Justices and Com^rs as afs^d Lib. H. D.

Hen: Dentons Motion abt allowance for a Depty

Vpon Motion made by Henry Denton Clerk of this hon^rble Board that his Ex^ncy and Hon^rs would please to take into their Consideration, a certain Petition by him preferred in Councill, May last, relating to being Ordered an Allowance for the maintenance of a Dep^ty Saying M^r Plater his Ma^ty Receiver Gen^ll could not as yet comply with the former Ord^r made therein, for want of the Sherriffs Returns; the s^d Petition and Ord^r following in these Words, Viz^t Whitehall

To his Ex^ncy ffrancis Nicholson Esq Cap^t Gen^ll and Gov^r in Cheife of this province, and to the hon^rble his Ma^ts Councill of the same &c^ca

The humble Petition of Henry Denton Clerk of the s^d Councill.

Sheweth

Hen: Dentons Petition & Ord^r abt allowance for a Depty

That Yo^r Pet^r has (dureing the time of his Executing this Trust) been put to great expence and Charge in keeping Clerks for the quick and Constant Dispatch of all publick business required to be Sent to the Severall Counties of the province Viz^t Proclamations Ord^rs of Councill and other Matters incident to his Office; which (dureing this time of Warr) have been very Numerous, besides the keeping a particular Register of all those Concerns. Whitehall

That the Journalls of the Councill Proceedings constantly writ out (to be sent for England) are many, for all w^ch your Petition^r has only allowed him from the Assembly, the Annuall Sallary of Twelve Thousand pounds of Tobacco, and that perhaps Ordered him in Counties where little Can be got for it, besides the trouble of seeking after it: And inasmuch as your pet^r finds the Clerk of the Councills business soe great that he Cannot possibly attend it to give due Complyance, without the assistance of a Dep^ty does therefore most humbly pray this hon^rble Board that some way be found to have an annuall Settlem^t allowed him, either in money or Tobacco, for the maintaining such a Dep^ty and as in duty bound he

shall pray &c^ca

By his Ex^ncy the Govern^r & Councill &c^ca

May the 19^th 1696.

Ordered that George Plater Esq^r his Ma^ts Receiver Gen^ll

Lib. H. D. return (ag^{t} the meeting of the next Assembly) an acco^{t} of what ffines and fforfeitures are by him Received out of the Severall Counties of the province and then the Request of the Pet^{r} shall be fully answered & Considered.

Signed p Ord^{r}
Hen: Denton C of Concil.

Hen: Denton Ordered out of the ffines the anuall Sallary of 6000^{lb} of Tob^{o} for his maintenance of a Depty

p. 380

Ordered thereupon as it is hereby Ordered th^{t} notwithstanding the Acco^{t} of the ffines cannot yet be had, the s^{d} Geo: Plater Esq (his Ma^{ts} Receiver Gen^{ll}) Doe answer and pay unto the s^{d} Denton (out of the aforementioned ffines) the Annuall Sallary or Sume of six thousand pounds of Tob^{o} the paym^{t} thereof to Commence this ffall, and so to be Constantly paid by his Ma^{ts} Receiver Gen^{ll} for his maintenance of a Dep^{ty} according as he hath Prayed.

Hen: Dentons motion for Setleing of his ffees due to him as Clk of a certain Commission of Review & Ord^{r} therein

The s^{d} Denton further moves and humbly Represents that having Severall ffees due to him as Clerk of a Speciall Court of Review appointed for the deciding a certain Controversy depending betwixt one George Lingan and Jam^{s} Crawford the setlem^{t} whereof were by an Ord^{r} of this Board Suspended, untill the same should be settled by Act; And he Signifying that the Clerk of the Councills ffees being now Settled by an Act of Assembly of this Province does therefore Pray that the ffees due as Clerk of the s^{d} Speciall Court may be now Assessed.

Ordered that like proportionable ffees be allowed to and taken by the s^{d} Clerk upon Acco^{t} of the s^{d} Speciall Court of Review, as are Assessed & Settled upon the Clerk of the Councill within this province. The ffees follow, Viz^{t}

An Acco^{t} off ffees Regulated by the Court of Review, due to the Clerk thereof, by Ord^{r} of Councill in blanck to be Assest and setled by the House of Burgesses &c^{ca} being now Regulated according to Act.

	lb Tobo
To the Clerk of the Councill for the Petition & Grant of the Commission	200
To Ditto for the Commission & Dedimus drawing & Recording	720
To ffiling the Proceedings transmitted out of Chancery (being 70 Sides) with the Clerk of the Court of Review 24^{lb} Tob^{o} p Side	1680
To ffiling the Reasons 24 Sides at 24^{lb} Tob^{o} p Side	576
To Copy of Ditto	576
To Plea ffiled to the Jurisdiction of the Court	8

To Entring and Signing Judgm^{t} thereon	84	Lib. H. D.
To Ditto upon the whole proceedings	84	
To ffiling Cost	24	
To Copy of the Cost	24	
To Copy of the Judgm^{t} 4 Sides at 24^{lb} Tobacco p Side	96	
	£Tob^{o} 4072	

A true Copy

Hen: Denton C of the s^{d} Co^{rt} Review

His Ex^{ncy} is pleased to Demand of the Board whether they know of any thing further to be offered in Councill (at p^{r}sent) who make Answer they Doe not. Whitehall

Maryland: ss p. 381

Dan^{ll} Peirce Bond for performance of his Riding Surveyrs Comission

Know all men by these p^{r}sents that We Dan$_{l}$ Peirce of Cæcill County in the province afores^{d} Gent and Will^{m} Peirce Sen^{r} are holden & firmly bound^{l} unto his Ex^{ncy} ffrancis Nicholson Esq his Ma^{ts} Cap^{t} Gen^{ll} and Cheif Govern^{r} of this province in the full and Just Sume of One Thousand pounds of lawfull money of England to be paid to the said ffrancis Nicholson Esq^{r} his Ex^{rs} Adm^{rs} or assignes, To the w^{ch} paym^{t} well and truly to be made We bind our Selves and either of Us our and Either of our heirs Ex^{rs} & Adm^{rs} joyntly and Severally for the whole and in the whole firmly by these p^{r}sents, Witness our hands and Seals this 8th day of March 1695/6.

The Condition of the above written Obligation is such that whereas his Ex^{ncy} ffrancis Nicholson Esq^{r} afores^{d} hath Commissionated and appointed the s^{d} Dan^{ll} Peirce to be Riding Surveyo^{r} for Cæcill County and the Counties thereunto adjacent within the s^{d} province by his Commission bearing date, the 5th day of March 169$\frac{5}{6}$. Now if the s^{d} Dan^{ll} Peirce shall well and truly perform the s^{d} Office according to the severall Acts of Parliam^{t} and Laws of this province unto which by his s^{d} Commission he is Referred to be Guided by; as also shall observe and follow all such further directions and Instructions as from time to time he shall Receive from the s^{d} ffrancis Nicholson Esq and from time to time keep harmless the s^{d} ffrancis Nicholson Esq from all Damages loss & Charges that he the s^{d} ffrancis Nicholson Esq shall sustain at any time by Reason of the s^{d} Peirce non performance of his s^{d} Office (so long as he shall Enjoy the Same) as in the s^{d} Severall Laws is Enacted & Ordained. Then the above Obligation to be Void and of none Effect, otherwise to be and Remain in full force and Vertue.

Lib. H. D. Sealed & delivered in the presence off
James Frisby
Sarah Frisby Junr

Danll Peirce [Seal]
Wm Peirce [Seal]

Vnderneath the sd Bond was thus written Vizt

Test subscribed to by Danll Peirce.

I Danll Peirce doe declare that there is not any Transubstantiation in the Sacremt of the Lords Supper or in the Elements of bread and wine, at or after the Consecration thereof by any person whatsoever

Danll Peirce

p. 382 Part of a Lre by his Excy Recd from the honrble Wm Markham Esqr Leivtent Governr of Pensilvania Vizt

Part of a Lre by his Excy Recd from Govr touching Basalion & LeTort

Sr

Vpon the Coppy of what Coll: Herman gave into yor Excy & Councill I shall require Security ffor LeTort and Basalion, Tho. I know that will not Satisfye the Coll: he will still be uneasy until he get all the Indian Trade to himself. I have known Coll: Herman a Long time, and he that trades for him on Susquehanna (Amos Nicholls) is better known then trusted. I inclose to Yor Excy what I found amongst Cast away Papers, Basalion was in Equall partnership with Petit and Salvay tho it went in only their two Names, Basalion Coming in after the others had provided for the Voyage, and after the Voyage was over thrown I divided the Left Cargo and Basalion had ⅓. But as to LeTort he is a Protestant, was sent over in the year 1686: with a Considerable Cargo and Sevrall ffrench protestants, (of whom he had the charge) by Doctr Cox, Sr mathias Vincent, and a Third Gentl. I cannot Call to mind at this time to Settle Thirty Thousand acres of Land up the Skoolkill that they had bought of Mr Penn, and that's the place he lives at, other houses were built and ffamilies settled there that he brought with him but being so ffarr up in the Country they Deserted them. This Le Tort was going for England in the Ship with Governr Hamilton, but was taken, Le Tort was Carryed to Tholoun and narrowly Escaped the Gallys but after a Long and hard Usage gott into England, where he Came acquainted with the West Jersey Company, and they understanding that his House Stood upon the Skoolkill in a Convenient place to Trade with the Indians Contracted with him to trade for them there, and writt to their Agent to Supply him with Goods, It is not many days since that he went up to Burlington to make Up his Accots with the Agent, intending as soon as he Conveniently Can for

England, Govern^{r} Hamilton will give a very good Acco^{t} of him I rest. Lib. H. D.

S^{r} Yo^{r} Ex$^{ncy's}$ Reall & ffaithfull
humble Serv^{t}
Philadelphia
June 25th 1696. W^{m} Markham

Ord^{rs} issued since the last Councill, Viz^{t}

By his Ex^{ncy} the Governo^{r} &c^{ca} July the 17th 1696.

Ord^{r} for the Constables to take a new List of Taxables

Vpon Complaint by severall persons made of the very Great abuse done to the Countrey through the Constables remissness and Negligence in taking the List of Taxables; Ordered that the Sherriffs give Notice to the Justices of the Severall Counties in August Court next that they issue their strict Ord^{r} and Charge forthwith to the Constable of each hundred within their respective Counties, thereby Commanding them to goe to every individuall house of the s^{d} hundreds in which they Officiate and there Demand, and take an Acco^{t} from the Master Mistress or Dame of every p. 383 such house in writing, under such Mast^{r} and Mistress or Dames own hand what number of Tithables they have, which s^{d} Lists so taken they are to close seal up (after Copy thereof made for the County Courts) & transmit the same unto his Ex^{ncy} at the port of Annapolis by the 16th day of September next (if the Assembly then Sits) otherwise by the ffirst day of the next prov^{ll} Court under pain of being prosecuted, to the Utmost Severity of the Law for Contempt.

By his Ex^{ncy} the Govern^{r} &c^{ca} July the 17th 1696.

Ord^{r} th^{t} the Sherriffs Collect the Severall Sums of Tobo from the Publick Offic^{rs}

Ordered that the Sherriffs doe this ffall take due Care for to Collect (pursuant to Act of Assembly) the Severall Sumes of Tobacco due from the publick Officers &c^{ca} to be Accounted from the Time of the Originall Act commenceing (the s^{d} Act being now amended) and th^{t} they fail not herein under penalty of having their Sherriffs Bonds put in Suit for Neglect thereof.

By his Ex^{ncy} the Govern^{r} &c^{ca} July the 20th 1696.

Ord^{r} th^{t} Capt Hill Surcease from being Nav^{ll} Officer & Justice of the Prov^{ll} Cort

Ordered that Cap^{t} Richard Hill do (upon Sight hereof) Surcease from Acting in the Station and place of Navall Officer within the Port of Annapolis; as likewise from Acting under the quallifycation of a Justice of Peace in the provinciall Court of this province and th^{t} he be left out of the New Commission to be issued.

Served with a Coppy of this Order the 27th of July 1696, by Hen: Denton

Lib. H. D.

By his Ex^ncy the Govern^r &c July the 28^th 1696.

Ord^r for the Sheriffs to give Notice to the Severall Vestrys abt the 40 p poll

fforasmuch as Severall Ord^rs and Ordinances of Assembly have heretofore issued to the Vestrys of the respective parishes within this province, touching the Collection and disposall of the 40 ℔ poll; Viz^t that where the Same was left uncollected last year Should be collected this year, & that in parishes where Churches are built and no Minister inducted the Same should be sold for Bills of Exch^a or ready Goods; this is to Remind and Ord^r all such Vestrys so Concern'd that they duly Comply with and Observe the afores^d Severall Ord^rs and Ordinances in desposing of the 40 ℔ poll for ready Goods or bills as afores^d Tob^o being likely to be a good Commodity this year; And that the Sherriffs of the province Serve the Vestrys of the Severall parishes within their respective precincts with a Copy of this Ord^r for their due Notice.

By his Ex^ncy the Govern^r &c^ca July the 31^th 1696.

Ord^r for the Sherriffs to mak due Returns of all Ord^rs & Proclamations &c^a

p. 384

Whereas Sundry Ord^rs and proclamations (tending to his Ma^ts & the Countreys Service) have from time to time been issued, Since his Ex^ncys Access to the Governm^t but no Return made by the Sherriffs of the Execution of the Same; notwithstanding they Severally have before had instructions and directions thereab^t this Comes now to give Notice to all the Sherriffs in Generall that whosoever of them shall hereafter neglect to make due Return to what publick Ord^rs or Proclamations &c^ca they shall for the future Receive, must expect forthwith to be displaced & discharged of his Office, if the Law will admit thereof, but if in Case it should not, that then such Offic^r may without faile, expect to be displaced at the End and Expiration of his first year; His Ex^ncy being pleased to give this Notice and warning th^t there might be no such occasion.

By his Ex^ncy the Govern^r &c^ca July the 31th 1696.

Ord^r for the Sheriffs to give Notice to all Mast^rs of ships abt Capt Pellews Sayling &c^ca

Ordered that the Sherriffs of the province give Notice to all masters of Ships Merch^ts and others within their Respective precincts that Cap^t Humphrey Pellew will (God willing) be ready to Sayle by or before the latter End of August next, so that such persons as have any Letters to Send for England by him, may direct them to be left, either at the port of Annapolis or petuxant where Care will be taken of them and such masters of Ships as shall be loaden & ready by that

time may have the opportunity of going under the s[d] Capt[t] Lib. H. D.
Pellews Convoy, otherwise will not be permitted to Sayle before the ffleet.

By his Ex[ncy] the Govern[r] &c[ca] Aug[t] the 1[st] 1696.

Ord[r] for the Collectr[s] & Nav[ll] Officers abt the Gage of Tob[o] hhds

Ordered that the Collecto[rs] and Nav[ll] Offic[rs] of the Severall Districts & ports within this province take Care to give Notice to all Masters of Ships now in the Countrey and which shall hereafter come in, th[t] they Omit not to measure, either by themselves, or Some Offic[r] or Officers of their Ships thereunto appointed every hhd: of Tob[o] by them taken on board, pursuant to his Ex[ncys] proclamation for that purpose formerly issued and Sent and th[t] they Suffer no Ship to be cleared without making Oath or bringing such persons as measured the s[d] hhds to make Oath that the same were by them measured accordingly who are also to give upon Oath an Exact Acco[t] of the Size of the same. And further Ordered that four bills for the future be taken for all Duties &c[ca] by them Secured to be paid.

By his Ex[ncy] the Govern[r] &c[ca] Aug[t] the 4[th] 1696.

Ord[rs] for his Ex[ncys] L[rs] to be Secured by the Collecto[rs]

Ordered that the Collecto[rs] (upon their Acco[t] of L[rs] &c. taken from the Severall Masters of Ships pursuant to the late Ordinance of Assembly) secure and Safely lodge in their Offices all such L[rs] as they shall find directed to his Ex[ncy] unless the partys bringing them in do Ingage to Come with them themselves; otherwise to Remain in their s[d] Offices untill an opportunity of Speedy and Safe Conveyance Offers.

By his Ex[ncy] the Govern[r] &c. Aug[t] 14[th] 1696.

Ord[r] for the Sherriffs to give Notice to the Burgesses & Delegates & his Ma[ts] hon[rble] Council &c abt the meeting of the Assembly.

Ordered that the Sherriffs of the province do p. 385
immediately (upon sight hereof) give notice to the Severall Burgesses and Delegates of Assembly & memb[rs] of his Ma[ts] hon[rble] Councill living within their respective Counties that his Ex[ncy] having Rec[d] his Ma[ts] Royall Commands thinks it necessary (for his Ma[ts] and Countreys Service) that they meet and Sit at the Port of Annapolis the 16[th] day of Septemb[r] next, pursuant to prorogation & appointm[t] whereof they are not to faile.

Lib. H. D.

By his Ex^ncy the Govern^r &c Aug^t the 15^th 1696.

Ord^r for the Colonels to see the Militia furnish themselves with Arms & Amunition this Shiping

Ordered that the Colonel of each County within this province give Notice & Strict directions to the Officers of the Severall Troops & Companies within their respective Counties, that the militia under their Command take Care to ffurnish themselves with Arms and Amunition (this ffleet) pursuant to the directions of the Act of Assembly under pain of being proceeded ag^t according to the Utmost Severity of the Law, there being a Considerable quantity of Such things now to be had and Considering the great price Tob^o now Yeilds, But where it appears the s^d things cannot possibly be purchased by Some persons this ffleet, that such persons then fail not to send to procure the same by the next opportunity, (und^r like penalty) Tobacco being likely to Continue a Good Commodity; And to the End all persons may have due Notice, it is hereby further Ordered that the Sherriffs make publication hereof in all Churches Chappells and other publick places of meeting within their respective Counties and Signifye th^t his Ex^ncy in Person does (God willing) intend to see what posture the Militia of the Severall Counties is in, this ffall.

By his Ex^ncy the Govern^r &c^ca Aug^t 20^th 1696.

Ord^r for Mr Attorney & Sollicitor Gen^ll abt their Living in Town

Whereas for want of his Ma^ts Attorney or Sollicito^r Gen^ll living here in Town his Ma^ts business is much delayed and impeded, besides the Countrey being put to vast Charge in Sending Expresses upon every Occasion of Advice; Ordered therefore that Either M^r Attorney or Sollicito^r do for the future come and Actually inhabit here at the Port of Annapolis or Agree with Some other Lawyer for to do the Same to attend upon his Ma^ts Service, without which the Kings business will apparently Suffer.

By his Ex^ncy the Govern^r &c: Aug^t 21^th 1696.

Ord^r for the Regist^r in Chancery to transmit a Copy of the Co^rt of Reviews Sentence

Ordered that the Regist^r of his Ma^ts high Court of Chancery within this province do (upon Sight hereof) transmit (under his hand and Seal) a Coppy of the Court of Reviews Sentence given in a certain matter before them lately depending betwixt George Lingan Adm^r &c of John Abington Dec^d Libellant & James Crauford Defend^t th^t the Commissary may make such further proceedings therein as is Requisite.

August the 25th 1696. Lib. H. D.

Memd abt his Honr Coll: Greenberry

Memorandum tht on the sd day his Excncy having p. 386 Sent for the honrble Sr Thomas Laurance Baront Secretary, who accordingly Came and the honrble Coll: Nicho Greenberry being then likewise prsent; his Excncy was pleased to tell Coll: Greenberry that he had been there two or three times and Raised Some Scruple abt the Militia Officrs Signing to the Address &cca therefore Willed him to put in writing what he had to Say in relation to that Matter; and then he should receive Answer, but the sd Coll: Greenberry went away without leaving any thing in writing.

August the 26th 1696.

Memd a Lre Recd by Geo: Plater Esq abt the Scotch Trade

Memorandum tht Geo: Plater Esq produced unto his Excncy the Governr in prsence of the honrble Sr Thomas Laurence Baront Secretary a Lre to the sd Mr Plater directed from the Right Honrble the Commissionrs of his Mats Customs in England relating to the Scotch Trade which was Ordered to be Entered.

Delivered by Sr Thomas

Delivered at the same time by Sr Thomas Laurence unto the sd Mr Plater a late Act of Parliamt made in the 7th and 8th years of King William the Third &c entituled an Act for preventing ffrauds and Regulating abuses in the plantation Trade, for his better Guidance in his Office, he having not had one Sent in.

Severall publick Lrs & papers Ordrd to be Enter'd for wch Vide the other End of the Book

Delivered by his Excncy unto the Clerk of the Councill Severall Lrs and publick papers Recd from Whitehall and from the Rt Honrble the Commissionrs of his mats Customs, which were all likewise Ordered to be Entered in the Councill Book, one whereof being the Petition Proceedings & Order relating to Burley and Masons pardon were (after Entry thereof) Ordered to be Delivered to Mr Attorney Genll for preparing a pardon pursuant thereto, to pass the Broad Seal of the province.

Memorandum tht his Excncy shew'd to Mr Plater three Lrs from the Rt honrble the Commissionrs of his Mats Customs, concerning some suspected Ships as also Instructions from them, relating to Trade, & a Lre abt allowance to be given for Collection of the sd pr pound &c.

Produced by his Excncy a Letter from the Rt honrble Wm Blathwayt Esq of the 1st of ffebry last wherein this Clause is Vizt

Lib. H. D. Clause in a Lre of Mr Blathwayts touching the Revenue

The Accots from Maryland have been very short and defective and tho Mr Randolph my Deputy has as he assures me, often Demanded to have the Receipts & Expence of the Revenue in Maryland more fully Stated, as in other Neighbouring Plantations, yet he Complains tht no such Complyance has been yet given, which Yor Excy will therefore be pleased to Ordr that I may be Enabled to Satisfye the Lords Comrs of the Treasury and Comrs of the publick accots as it is my Duty in Matters of the plantation Revenue.

Instructions from Mr Blathwayte

Produced also another Paper by his Excy Recd from the Honrble Sr Tho: Laurence Baront Secretary being Instructions for the right Setling the Publick Revenue &ca Vizt

p. 387 Instructions from Mr Blathwayte concerning the Revenue.

The Accots of the Revenue are to Contain a Charge of the Receipts from the Collectors of the Severall Districts of the Is p hhd And a particular Accot of the Receipts of the ffines, fforfietures and Escheats accruing to the King and how they arise. Against which the Discharge is to Contain the particular paymts out of the Revenue, with the particulars of the Occasion of such paymts

All which is to be vouched by Duplicates of the Ordrs of the Governr in Councill and the Receipts of the paymts to whom such paymts are made.

Mr Plater Ordered to get ready his Accots &ca

Ordered that Copy's of the aforegoing papers &c: be delivered to Geo Plater Esq his Mats Receiver Genll and that he prepare his Accots ready pursuant thereto, having before Recd Ordrs for getting the sd accots ready, his Excy delivering him a Coppy of the Accot of the publick Revenue stated in Virga (when his Excy last left tht Governmt) for his further directions therein.

Mr Plater Ordered to take strict Care abt the ffines & fforfeitures

Ordered that the sd Mr Plater take Care to get Leavyed this Year, all ffines and fforfietures due to his Maty and that he issue process agt such as Refuse paymt Tobo being likely to be a Good Commodity this Year.

Mr Plater Ordrd to adjust Accots with Madam Blakiston & to procure New bills &c

Ordered that the sd Mr Plater adjust the Accot with Madam Blakiston & procure New bills for the protested Bills of Exchange and to Secure the Tobo Debts otherwise to let her know tht for want of complyance in these things tht she will not have the 100lb allowed, being given her upon that Accot.

Mr Attorney & Sollicitor Genll Ordrd to issue process upon all forfieted Navigation bonds

Ordered likewise that the sd Mr Plater, and Mr Wm Dent his Mats Attorney and Sollicitor Genll issue process upon all Navigation Bonds not duly Complyed with, pursuant to former Ordr and for all Kings Business yett is ripe for Judgmt tht Judgmt be obtained accordingly this Court, & for all others agt the next Court after. Lib. H. D.

A Lre from the Comrs of his Mats Customs dd to Mr Plater abt money Claimd by Mr Paynes Admr

Delivered by his Excncy unto the sd Geo: Plater Esq a Letter by him Recd from the Rt honrble the Commissionrs of his Mats Customs Dated the 4th of Janry 1695 relating to 12lb 12s 4d Clamed by the Admr of Mr Payne &c: as money overpaid &ca.

dd to Mr Plater Mr Batemans Lre & a Warrt from the Comrs for prizes abt paymt of 10lb p Gun unto Capt Hurle &cca

Delivered also by his Excncy unto the sd Mr Plater a Lre by him Recd from Mr John Bateman of Londn Dated the 10th of Janry last past relating to Capt Hurle & the ffrench Prize by him taken &cca.

Delivered also at the Same time a Warrt from the Comrs for prizes for paymt of 10lb p Gun (unto Capt John Hurle Commander of the Ship Providence) for every Gun the Ship John of Bourdeaux taken by the sd Hurle was (at the time of her Capture) Mounted with.

Mr Plater Ordrd to make answer to Mr Batemans Lre &cca

Ordered that he make Answer to the sd Letter and Signifye tht his Excncy the Governr has Recd no Command neither from his Mty nor the Lords of the Admiralty thereabout nor has medled with any of the Money; But if the Said Commissioners, have any Such Power in this place that they would do well to Send an Exemplifycation thereof and appoint an Officer here to manage that Concern.

Mr Clarke Ordered to deliver up unto Mr Plater all navigacon Bonds &cca

Ordered that Mr Philip Clarke Navall Officer of Potomock District deliver unto Geo: Plater Esq his Mats Receiver Genll all Navigation Bonds (now in his Custody) upon the sd Mr Plater giving Receipt for the Same, and tht such as have not been duly complyed with, be by him put in Suit forthwith. p. 388

Coll Thomas Ordrd to send down all the broken Arms &cca

Ordered that Coll: John Thomas send down to the Port of Annapolis the broken Arms he Carryed up from Petuxant tht they may be sent for England this ffleet.

Lib. H. D. By his Ex^ncy the Govern^r &c^ca Aug^t the 27^th 1696.

Ord^r abt the Ordinary keep^rs

Ordered that the Severall Ordinary keepers within the Port of Annapolis give an Acco^t to his Ex^ncy (from time to time) of all Strangers Coming to their houses, whether by Land or water; and of all boats, Shallops, and Sloops, and to Signifye from whence they Come and whither they are going; to the End his Ex^ncy may have notice, when he has Occasion to Send away dispatches to any parts of the province whereby a great Charge may be Saved to the Countrey in pressing mens horses &c. for the Carrying Such dispatches afores^d.

A Comission Constituting Collo Nicholas Greenberry Judg of the Vice Admiralty Court on the Western Shore

Gulielmus Tertius Dei Gratia Angliæ Scotiæ ffranciæ et Hiberniæ Rex ffidei defensor &^ca Dilecto Nobis Nicholao Greenberry Armigero Salutem ad cognoscendum in quibuscunq. Causis Civilibus & Maritimis atq Quærelis Contractibus Delictis seu quasi Delictis Criminibus Placitis Debitis Excambiis Literis partitis Coventionibus Chirographis Onerationum Navium omnibusq negotiis & Contractibus quæ Nauta pro Navibus conductis & Locatis debita pecuniam trajectitiam et nauticum fœnus quovis modo tangunt seu aliquo modo concernunt Litibus transgressionibus injurijs Extortionibus & Demandis ac Negotijs Civilibus aut maritimis quibuscunq inter mercatores aut inter Dominos aut Proprietarios navium aut aliorum vasorum & mercatores seu alios quoscunq cum eisdem Dominis & Proprietarijs navium et Cæterorum vasorum quoscunq Occupatorum Sive vsitatorum seu inter quascunq alias Personas qualitercunq habitis ffactis initis Sive Contractis pro Aliqua re Materia Sive Causa vel Negotijs Sive injuria quacunq tam insuper vel per mare aut fflumina publica Seu aquas dulces, Portus Rivos Crecas aut Loca Superinundata quæcunq infra fluxum & Refluxum maris & quæ ad plenitudinem vel Super Littora aut Ripas quascunq eidem vel Eorum alicui adjacentis Expedita seu Expediend. Una cum omnibus singulis Suis incidentibus Emergentibus dependentibus Annexis & Connexis Causis quibuscunq seu qualitercunq hujusmodi Causæ Querelæ Contractus & alia præmissa Supradicta vel eorum aliquod Oriri Celebrari contrahi vel fieri contingat Juxta Leges Civiles & Maritimas & Consuetudines Supremæ Curiæ Admiralitatis nostræ Angliæ in omnibus Super Occidentale Littus Comitatibus ad magnum flumen Cheshopeak adjacentibus et Portubus Maritimis eorundem quibuscunq infra Provinciam & Territorium nostra de Maryland atq. in quibusqunq Civitatibus Oppidis et Locis in partibus prædictis pro hujusmodi Causis & negotijs audiendum

& Terminandum & pro justitia in eisdem ministrand^{m} seden- Lib. H. D.
dum ac Judici aliter & legitime procedendum vna cum omnibus
& singulis suis incidentibus Emergentibus & dependentibus
annexis & connexis quibuscunq Testib. insuper sine gratia
Odio favore vel timore aut alio quocunq de Causa Substrax-
erint ad perhibendum testimonium Veritati in hujusmodi
Causis & singulis juxta Juris Exigentiam compellendam ac
Insuper recognitiones Cautiones Obligationes & Stipulationes
quascunq tam ad usum Nostrum quam ad quarumcunq par-
tium instantiam pro Conventionibus Seu debitis et alijs Causis
& Negotijs quibuscunq capiendum Easq. Executioni ponen-
dum & Exequi faciendum & Mandandum necnon ad debite p. 134
inquirendum et investigandum de & Super omnibus & singulis
bonis proditorum pyratorum homicidarum felonum fugitivorum
& ffelonum de se & de corporibus & personis Submersis aut
aliqualiter ad mortem Suam in mari Portubus Rivis fluminibus
publicis aut Crecis & locis Superinundatis quibuscunq deve-
niend. atq de Mahemio in locis prædict contingen ac de ingenijs,
Cassibus & Retibus Vetitis & illegitimis ac de Occupatoribus
eorundem ac insuper de piscibus Regalibus, Viz^{t} Ballenis Cetis
Reggis Graspitijs Delphinis Sturgeonibus & cæteris piscibus
quibuscunq magnam Sive ingentem crassitudinem Sive pingue-
tudinem in se habentibus Nobis & Officio magni Admiralli
nostri Angliæ de Jure vel Consuetudine pertinentibus seu
aliquo modo consuetis atq etiam de & Super Omnibus aut
Singulis maris Casualibus Bonis Wreccatis fflotson Jetson Lagan
sharis maris Ejecto & Wrecco maris bonisq pro derelicto habitis
& habendis seu Casu fortuito repertis aut reperiendis ac alijs
transgressionibus Delictis Offensis Enormitatibus & Criminibus
Maritimis quibuscunq tam Super alto Mari quam in & Super
Omnibus & Singulis portubus Rivis Aquis dulcibus & Crecis
quibuscunq Littoribus Versus Mare in & per omnes Super
Occidentale Littus Commitatus prædict. infra provinciam &
Territorium nostra de Maryland prædict. et Oras Maritimas
eorundem & eisdem adjacentes qualitercunq quandocunq et
quomodocunq provenientibus & contingentibus commissis &
perpetratis sive perpetrandis & Committendis compertaq &
inventa atq ffines mulctas Amerciamenta & compositiones
quascunq in ea parte debita & debenda taxanda moderanda
exigenda colligenda & Levanda & Exigi levari & Colligi
facienda atq Solvi legitime compellenda & mandanda atq etiam
de & Super omnibus & Singulis Causis & negotijs Supradictis
ac alijs Conventionibus causis contemptibus & delictis quibus-
cunq qualitercunq contractis Sive emergentibus dumodo Bona
Sive personæ Debitorum infra Jurisdictionem Vice Admirali-
tatis Nostra Provincia & Territorij Nostrorum de Maryland
prædict. in Omnibus Super Occidentale Littus Comitatibus

Lib. H. D. prædict. inveniantur juxta Leges Civiles & Maritimas ac Supremæ Curiæ Admiralitatis Nostræ Angliæ prædict. consuetudines ab antiquo Vsitatas ac alijs Viis modis & medijs legitimis quibus melius Sciveris aut poteris procedend^{m} ac hujusmodi Causas & Contractus Audiendum Examinand^{m} discutiendum & ffine debito terminandum (Salvo jure semper provocandi & Appellandi ad Supremam Curiam Admiralitatis Nostræ Angliæ prædict. et ad Judicem sive præsidentem Curiæ ejusdem pro tempore existente et Salvo Semper Jure Supremæ Curiæ Admiralitatis nostræ Angliæ predict. necnon Judicis & Registrarij ejusdem Curiæ quibus & eorum Alteri nolumus derogare per p^{r}sentes) necnon naves personas Res Bona Merces & Mercimonia quacunq pro præmissis & eorum quolibet & alijs Causis quibuscunq ea concernent, vbicunq locorum infra Omnes Super Occidentale Littus Commitatus prædict. in Provincia & Territorio Nostris de Maryland prædict. & partes Maritimas eorundem fuerint inventa seu reperta infra Libertates seu Extra Realiter arrestandum seu arrestari faciendum & Mandandum ac personas quascunq in eâ parte prout Casus Exiget in quacunq Curiæ Vice Admiralitatis Nostræ Provinciæ & Terretorij Nostrorum de Maryland prædict comparere & respondere cum cujuslibet coercionis temporalis alteriusq pœnæ & mulctæ potestate juxta leges & consuetudines prædict com-
p. 135 pellandum & Justiciam faciendum et Ministrandum etiam Juris Ordine Servato Seu velo levato sine Strepitu & ffigura Iudicij Sola facti & Rei veritate inspecta necnon sumarie & de plano procedendum Reosq et contemptores ac Juris & Jurisdictionis Admiralitatis prædictæ violatores Usurpatores Delinquentes & contumaciter absentes naucleros Marinarios Remiges piscatores Naupegos & Alios Operarios & Expertos quoscunq Res Nauticas quascunq exercentes tam juxta et Secundum prædictas Leges Civiles & Maritimas ac Ordinationes & Consuetudines prædict.& eorum demerita quam Juxta & Secundum Statuta & Ordinationes prædict. ac Regni Nostri Angliæ in ea parte edita & provisa potestatem tibi in hac parte concedimus mulctandum corrigendum, puniendum castigandum Reformandum ac in quibuscunq Carceribus infra Omnes Super Occidentale Littus Commitatus prædict. in Provincia & Territorio Nostris prædict. & Loca Maritima eorundem existen incarcerandum & incarcerari faciendum & Mandandum incarceratosq quoscunq in ea parte deliberandum & penitus exonerandum & exonerari faciendum & Mandandum Sententiasq & Decreta quæcunq promulgandum & interponendum easq & ea Executioni demandandum cum cognitione & Jurisdictione quarumcunq aliarum Causarum Civilium & Maritimarum quæ sunt Maris vel quæ Mari vel Maris per transitum Sive passagium aut iter Navale Sive Viagium Maritimum & Jurisdictionem

Maritimam Supradict. Expedite seu Expedien quovismodo Lib. H. D.
concernunt seu Respiciunt etiam cum potestate procedens in eisdem juxta dictas Leges Civiles & Maritimas & Consuetudines Curiæ prædict. ab antiquo Vsitatam ex Officio mero mixto & promoto quam ad alicujus partis instantiam prout Casus Exiget & expediens Visum fuerit Vices & Authoritatem Nostras ad præmissa omnia & Singula in locis Superius expressis Salva Prerogativa Supremæ Curiæ Admiralitatis Nostræ Angliæ prædict. in Omnibus tibi Committimus ac plenam tenore præsentium concedimus potestatem Teq prædictum Nicolaum Greenberry Armigerum Commissarium Nostrum in dictis super Occidentale Littus Comitatibus infra Provinciam & Territorium Nostra de Maryland prædict. & partibus maritimis eorundem & eisdem adjacentibus quibuscunq unacum potestate alium vel alios Deputatum vel Deputatos quoties tibi melius videbitur expedire loco tuo in præmissis deputandi & Surrogandi præficimus Nominamus Ordinamus & constituimus per præsentes beneplacito tantummodo duratur unacum omnibus & singulis Vadijs feodis proficiis advantagijs & Commoditatibus eidem Officio qualitercunq competen juxta consuetudines dicta Curia Admiralitatis ab antiquo Redditis & Consuetis Mandantes & ffirmiter & Stricte præcipientes Vniversis & Singulis Dominis proceribus Militibus Justiciarijs ad pacem Majoribus Vice comitibus seneschallis Goalarum & Carcerum Custodibus Ballivis Constabularijs cæterisq Officiarijs & Ministris ac fidelibus Subditis & Ligeris Nostris in & per totam Provinciam & Territorium Nostra de Maryland prædict. & partes Maritimas eorundem & eisdem adjacentes Quod tibi ac Deputato tuo cuicunq Nos in Executione hujusmodi Comissionis Nostræ de tempore in tempus intendentes auxiliantes & Obedientes in Omnibus prout decet sub Pœna & periculo p. 136
incumbent Literis patentibus pro dicto Officio in partibus respective prædictis alicui alij personæ antehac concessis Revocatis prout per præsentes easdem Revocamus; Datum apud Oppidum & Portum Annapolis in Curia vice Admiralitatis Nostræ prædict. sub sigillo Magno Provinciæ Nostræ prædict. Vicessimo Septimo die Augusti Anno Domini Miljesimo sexcentesimo nonagesimo Sexto Regniq Nostri Octavo.

ffr: Nicholson

A Comission Constituting Mr Henry Denton Register of the Vice Admiralty Court on the Western Shore

Gulielmus Tertius Dei Gratiâ Angliæ Scotiæ ffranciæ & Hiberniæ Rex fidei Defensor &ca Omnibus ad quos hæ præsentes Literæ Nostræ Patentes pervenerint Salutem Sciatis nos pro & in consideratione boni veri & fidelis servitij per Henricum Denton Generosum nobis ante hac impensi et in posterum impendendi ac ex certis alijs legitimis causis nos in

Lib. H. D. hac parte moventibus dedisse concessisse & confirmasse prout per presentes damus concedimus & confirmamus eidem Henrico Denton officium Registrarij ac Scribatus & Registrariatus Actorumq causarum & negotiorum quorumcunq in Curia Nostra Vice Admiralitatis infra omnes super Occidentale Littus Comitatus ad magnum Flumen Chesiopeake adjacentes & partes Maritimas eorundem quascunq infra Provincia & Territorium nostra de Maryland tam ex officio mero mixto vel promoto quam ad alicujus partis instantiam motæ seu Movendæ nec non custodiam et conservationem Registri Scriniorumq quærelarum Actorum placitorum Munimentorum Librorum Exhibitorum introductorum & introducendorum in Causis quibuscunq in prædicta Curia Nostra Vice Admiralitatis in Omnibus super Occidentale Littus comitatibus prædict. infra Provinciam & Territorium Nostra prædict. institutis sive instituendis vna cum omnibus & singulis feodis salariis proventibus Regardis Juribus proficuis & comoditatibus Emolumentiis & pertinentiis quibuscunq eidem officio Registrarii ac Scribatus & Registrariatus actorum Causarum & Negotiorum quorumcunq Spectantibus & pertinentibus seu quovis modo debitis & consuetis ipsumq Henricum Denton prædictæ Curiæ Vice Admiralitatis Nostræ in omnibvs super Occidentale Littus Comitatibus prædict. infra Provintiam & Territorium nostra prædict Registorem sive Registrarium principalem et Generalem ac Registri Scriniorumq Munimentorum Querelarum Placitorum Librorum Exhibitorum & Exhibendorum omnium & singulorum quorumcunq in prædicta Curiâ Nostra Admiralitatis in omnibus super Occidentale Littus Comitatibus prædict. infra Provintiam & Territoriam nostra prædict. actorumq causarum & negotiorum quoruncunq in eadem Curia vllo modo expediendum scribam & actuarium per præsentes præficimus concedimus & ordinamus habendum dictum officium Registrarij Scribatus & Registrariatus Curiæ Nostræ Vice Admiralitatis in omnibus super Occidentale Littus Comitatibus prædict. infra Provinciam & Territorium Nostra prædict. ante dicto Henrico Denton durante Bene placito nostro tantumodo pacifice & quiete in forma prædicta per se vel Sufficientem Deputatum sive Deputatos suos sufficientes una cum omnibus & singulis præmissis ac omnibus & singulis feodis Salarijs regardis proventibus Juribus proficuis comoditatibus Emolumentis ac alijs pertinentijs quibuscunq eidem officio Registrarij Scribatus & Registrariatus actorumq causarum &
p. 137 Negotiorum ac Registri & scriniorum prædicta Curia nostra Vice Admiralitatis in omnibus super Occidentale Littus Comitatibus prædict. infra Provinciam & Territorium nostra prædict. Exhibitorum & Exhibendorum omnium & singulorum quorumcunq custodiis spectan & pertinen una cum omnibus &

singulis alijs Comoditatibus proficuis & pertinentijs quibus- Lib. H. D.
cunq eidem officio Scribæ Registoris & Scribatus & Registrariatus actorumq Causarum & negotiorum custodis Registrarij prædict. Curiæ nostra Exhibitorum & Exhibendorum omnium & singulorum in Eadem quorumcunq quovismodo devenien sive spectan Literis Patentibus pro dicto Officio in partibus respective prædict. alicui alij personæ ante hac concessis revocatis prout per præsentes easdem revocamus Datum apud Oppidum & Portum Annapolis in Curia Vice Admiralitatis nostra sub sigillo magno Provinciæ nostræ prædict° vicesimo septimo die Augusti Anno Domini Millesimo sexcentesimo Nonagesimo sexto Regniq nostri Octavo.

ffr: Nicholson.

A Comission Constituteing Marshall of the Vice-Admiralty Court on the Western Shore.

Gulielmus Tertius Dei Gratiâ Angliæ Scotiæ Franciæ & Hiberniæ Rex fidei Defensor &ca Omnibus ad quos hoc præsens scriptum perveniret Salutem Sciatis vos pro & in consideratione boni veri & fidelis servitij p

Nobis ante hac impensi & in posterum impendendi & ex certis alijs causis justis & legitimis nos in hac parte moventibus dedisse & concessisse ac præsenti scripto Nostro confirmasse prout per præsentes damus confirmamus & concedimus eidem

Officium Marescalli & Servientis ad Clavam Curiæ Vice Admiralitatis Nostræ infra omnes super Occidentale Littus Comitatus ad Magnum flumen Chesiopeak adjacentes in Provincia & Territorio Nostris de Maryland & partibus Maritimis eorundem & eisdem adjacentibus una cum omnibus & singulis feodis Sallarijs proventibus Iuribus proficuis comoditatibus & pertinentijs quibuscunq eidem officio Marescalli et Servientis ad Clavam Curiæ Vice Admiralitatis Nostræ prædict. quovismodo debitis spectantibus & pertinentibus ipsumq.

Marescallum & Servientem ad Clavam Curiæ Vice Admiralitatis Nostræ prædictæ ad omnia & singula eidem Officio spectantiæ fideliter faciendum expediendum & exequendum præficimus constituimus, Ordinamus, facimus & deputamus per presentes habendum tenendum exercendum exequendum & occupandum dictum Officium Marescalli & Servientis ad Clavam dictæ Curiæ Vice Admiralitatis Nostræ infra omnes Super Occidentale Littus Comitatus ad Magnum flumen Chesiopeak adjacentes in dicta Provincia & Territorio Nostris de Maryland prædict. & partibus Maritimis eorundem et eisdem adjacentibus eidem durante beneplacito nostro tantumodo libere & quiete per se vel Sufficientem

Lib. H. D. Deputatum suum sive Deputatos suos sufficientes in tam amplo modo & forma prout aliquis alius ante hac idem Officium Marescalli & Servientis ad Clavam Curiæ Vice Admiralitatis Nostra prædict. habuit tenuit exercuit occupavit vel gavisus fuit una cum omnibus & singulis feodis Sallarijs proventibus
p. 138 Iuribus proficuis comoditatibus & pertinentiis quibuscunq. eidem Officio Marescalli & Servientis ad Clavam Curiæ Vice Admiralitatis Nostræ prædictæ quovis modo ab antiquo spectantibus debitis & consuetis. Datum apud oppidum & Portum Annapolis in Curiæ Vice Admiralitatis nostra Sub Sigillo Magno Provincia Nostræ Prædict. Vicesimo Septimo Die Augusti Anno Domini Millesimo Sexcentesimo Nonagesimo Sexto Regniq Nostri Octavo.

Fran^{s} Nicholson.

By his Ex^{ncy} the Govern^{r} &c^{ca} Aug^{t} the 29th 1696.

Ord^{r} for all Prov^{ll} business to be made an End of this next Court.

Ordered that the Attorneys of the provinciall Court take Care to make an End of all business they are Concern'd with (this next Septemb^{r} Court) and that no Business whatsoever be Continued by Consent of parties, but where the plantiffe and Defend^{t} doe personally appear in Court and declare such their Consent or the Attorneys (on both Sides) give under their hands that it is the desire of their Clients their Cause Should be continued; And to the End all the Attorneys belonging to the said Court may have Notice hereof the prov^{ll} Clk: is to Serve them Severally herewith and see that due complyance be made therein accordingly.

Whitehall At a Councill Mett and held at the Port of Annapolis the 16th day of September in the Eigth Year of the Reign of our Soveraign Lord King William the Third &c^{ca} Annoq Dmin 1696.

Present,

His Ex^{ncy} ffrancis Nicholson Esq Cap^{t} Gen^{ll} &c^{ca}

The hon^{rble} S^{r} Thomas Laurence Barron^{t} Secre^{r}, Coll: David Brown, James ffrisby Esq

A Proclamation for a day of Publick thanksgiving being by Ord^{r} prepared and Read in Councill was signed by his Ex^{ncy} & passed the broad Seal of the province, which followes in these words, Viz^{t}

By his Ex^ncy the Cap^t Gen^ll &^ca a Proclamation. Lib. H. D p. 389

Maryland: ss ffor a Publick Thanksgiving.

A Proclamation for a Publick Thanksgiving &ca

Whereas the hon^rble S^r Thomas Laurence Baron^t Secretary of this his Ma^ts province (being lately Arrived) hath brought the certain intelligence and happy news of his Ma^ts good health and of the Kingdoms being setled in peace and tranquility Since the Barbarous conspiracy intended against his Ma^ts Sacred Person and the designed invasion of the ffrench; of his Ma^ts Safe Arrivall in fflanders, together with the News of the happy Return of the ffleet from the Straits and the Strong Union both of the Armies and ffleets continued with the confederate Princes; All which inestimable Blessings require our publick acknowledgm^ts. And fforasmuch as it hath pleased Almighty God of his infinite goodness to Add to all these his rich mercies the favour of seasonable weather, whereby plentiful Crops both of Corn & Tobacco are (this year) likely to be made within this Province, the ffleet being also here Safely Arriv'd; and duly considering that such great & public Blessings doe call for public and Solemn acknowledgm^ts. I have therefore thought fit (by the Advice of his Ma^ts hon^rble Councill) to issue this my Proclamation, hereby appointing & Comanding that a Gen^ll thanksgiving to Almighty God (for these his mercy's and ffavors) be observed on the Morrow being the 17^th^ of this instant September, by the Generall Assembly of this Province within the Port of Annapolis now convened, and by all the inhabitants and others then and there residing or Sojourning, & in the Severall Counties & all other places of the province, on the 22^d^ day of Octob^r next strictly charging all his Ma^ts Loving Subjects within the Same to abstain from Servile and Corporall labour on those days and Religiously to keep the same, and that the Minist^rs of the Severall parishes do then read Divine Service and Preach as they will answer the contrary; And to the End due Notice hereof may be given I do further Command the Severall Sherriffs of the Province to make proclamation hereof in all churches chappells and other publick places of meeting within their respective County's. Whitehall

Given at the port of Annapolis under the Broad Seal of the province this 16^th^ day of Septemb^r in the Eigth Year of the Reign of our Sovereign Lord King William the Third &c^ca Annoq Domini 1696.

God Save the King. ffr. Nicholson.

The hon^rble Coll: Nich^o Greenberry Came & was Aded. Whitehall

Mason & Burley's Pardon &cca

Produced and Read his Ma^ts Royall Warrant from Whitehall for Mason and Burleys Pardon; Ordered that the same be delivered to M^r Attorney and

Lib. H. D. Solicito^{r} Gen^{ll} for them to prepare a pardon pursuant thereunto; to pass the Broad Seal of the province.

James Heighs information & Remark thereon p. 390

Upon Reading an information of one James Heigh of the Clifts relating to a Privateer that lately came vp this Bay, as ffarr as the Upper End of the Clifts &c^{ca}

Whitehall

His Ex^{ncy} and Hon^{rs} are pleased to Remark thereon, that if the Governo^{rs} of Carolina & New Providence do allow themselves the tolleration of fitting out Privateers and countenancing of them, as by certain information rec^{d} they have done to this, it will be of dangerous consequence to the rest of his Ma^{ts} Governm^{ts} in these parts; especially Maryland & Virginia that lye so naked and open.

September the 17th 1696.

The Council again Sate and were

Present

His Ex^{ncy} ffrancis Nicholson Esq Cap^{t} Gen^{ll} &c^{ca}

Whitehall

S^{r} Thomas Laurence Barron^{t} Secre^{r}
Coll: Nicholas Greenberry
Coll: Charles Hutchins
Coll: David Brown
James ffrisby Esq

Coll: Courts L^{re} abt his indisposition of body admitted of

Read a Letter from the hon^{rble} Coll: John Courts of the 12th instant giving an Acco^{t} of a late fit of Sickness rendering him incapable to attend this Councill, therefore desired his absence might be Whitehall Excused which accordingly was admitted, this Board being Sorry for his p^{r}sent indisposition.

Coll. Jowles L^{re} abt his lameness likewise admitted of

Read also a Letter from the hon^{rble} Coll: Henry Jowles of the 14th Instant, desiring to be Excused for his non-attendance, occasion'd through a great lameness, whereby he was disabled to Travell at present, but hoped to be better within a Week or ten days time, and then would give his attendance, if possible, whose Excuse was likewise in manner afores^{d} admitted.

Whitehall Coll: Browns Return of an Ord^{r} of Councill abt the inlet in Som: Co:

Read a Return of the hon^{rble} Coll. David Brown &c^{ca} pursuant to an Ord^{r} of this Board of the 10th of July last, Relating to Vessels coming into the Inlet of Somerset County &c^{ca} as follows Viz^{t}

Somerset County } By Virtue of the within men-
in Maryland: ss } tioned Ord^{r} of his Ex^{ncy} and

Councill &c^{ca} bearing date the 10thof July last, We the Subscribers have this day inquired into the matter, and have call'd diverse persons before Us and upon their Oaths made examination do find there was in that inlet, a deckt Sloop, which without Entry or clearing did lade and Carry away Sixteen Barrells of Pork; whereupon We have appointed M^{r} Thomas Poynter Dep^{ty} Collecto^{r} & Dep^{ty} Nav^{ll} Offic^{r} of the Sea Board Side, untill his Ex^{ncys} pleasure be further known, all w^{ch} was done this 24th day of July Anno 1696. Lib. H. D. Whitehall

Yo^{r} humble & obedient Serv^{ts}
David Browne
George Layfield
Rob^{t} King

Septem. the 18th 1696.

The Councill again Sate and were p^{r}sent,

His Ex^{ncy} ffrancis Nicholson Esq Cap^{t} Gen^{ll} &c:
S^{r} Thomas Laurence Barron^{t} Secry^{r}
Coll: Geo: Robotham
Coll: Nich^{o} Greenberry
Coll: Charles Hutchins
Coll: David Browne
Coll: John Addison,
Thomas Brooke Esq
James ffrisby Esq

Capt Richd Brightwell's Return abt his ranging

Read a Return of Cap^{t} Richard Brightwell Commander of the Party of Rangers in Potomock, as follows, Viz^{t}

Pursuant to his Ex^{ncys} Ord^{r} Dated March the Third 1695/6 Relating to Severall circumstances as in Yo^{r} Ord^{r} is Expressed, I do hereby humbly Represent to yo^{r} Ex^{ncy} that I and my Men have ffaithfully and duly complyed with yo^{r} Ex^{ncys} Ord^{r} in all points & cannot find in all my Range any thing worthy observation, this is what is humbly Offered by Whitehall

Yo$_{r}$ Ex^{ncys}
Most Obedient humble
Serv^{t} Rich^{d} Brightwell

Ord^{r} abt a more particular Acco^{t} of Ranging

Ordered that he Return a more particular Acco^{t} of his Ranging and that he Signifye how farr they Range, what Roads they make & what sort of land it is & such like.

Severall Sheriffs summoned abt Suprnumerary Tythables &c^{ca}

Vpon Reading over the Supernumerary Tythables sworne to pursuant to a fformer Ord^{r} from this Board, and it being found that due complyance had not been made therein by these following persons Viz^{t} M^{r} John Cood late Sherriffe of S^{t} Maries County, Coll: John Thomas late Sherriffe of Baltemore County,

Lib. H. D. Whitehall

Mr John Carvile late Sherriffe of Cæcill County and Mr Ephraim Wilson late Sherriffe of Somerset County; Ordered therefore that they be Severally Summoned to Appear at the next Provll Court, and that Mr Attorney & Solicitor Genll proceed agt them for Contempt, and that such of them as do not appear by the sd Summons be prosecuted for the same likewise.

Ordr abt the Sherriffs returning a List of Taxables &cca

Ordered that the Sherriffs of the Severall Counties of the Province or their Deputies do take under the hand of the Master, Mistress, Dame or Overseer of every ffamily house or Plantation within their respective precincts an Accot in writing of all the Tythable persons there Residing at the Same time they Usually go abt to Collect the Leavys and that where there happens any dispute abt the Age of any prsons that in such Case a Return be made by the Sherriffs, of the Names of such persons unto the Justices of the County Courts in Ordr to be adjudged, that the said Sherriffs doe not faile to return the Severall aforementioned Accts (by them so to be taken) unto his Excy at the port of Annapolis with all Convenient Speed.

p. 392

Ordr abt the Appraismts of Seized Ships & Vessells

Upon Representacon, Ordered that no ship that for the future is Seized be Appraised but lye under Seizure till tryed, it being found that such Appraisemts are usually under made and the Goods &cca Undervalued, as appears by a late Appraisemt made of Capt Elys Ship and Goods, particularly a Copper ffurnace, Valued at one pound, but is really worth 10: or 12lbs sterl.

Whitehall

Munday Septemb. the 21th 1696.

The Councill again Sate and were prsent as on Saturday.

Order for Mr Attorney & Sollicitor Genlls Opinion abt Ships coming from one port to another.

Upon Representacon, Ordered that Mr Attorney and Solicitor Genll return their opinion unto this Board what remedy is to be had against those persons that come out of one District, and Ship Tobacco & ffurs &cca on Board Ships Riding in another District, before they have Certified the same before the Officer where such Ship Rides.

They Report thereon as follows, Vizt.

Mr Attorney & Sollcitor Genlls Opinion abt Ships ceming from one District to another.

Whitehall

May it please yor Excy.

In Obedience to yor Excy's Commands We have prused your Excy's Ordr of Reference and do humbly Report, That a Certificate had from an Officer of another District that the duty of ffurs imposed by an Act of Assembly being there Answered & paid is a sufficient discharge for so much mentioned in that Certificate, and

that the Master of such Ship on whom such ffurs are put on board, delivered to the Officer of such Port where he clears his Ship the Certificate so Granted has justly satisfyed the Duty of such ffurs as are mentioned in the s[d] Certificate and being Obliged to make due clearing of what more he has on board, all of which is humbly Submitted to Yo[r] Ex[ncy] by Lib. H. D.

Yo[r] most obedient Servants

Geo: Plater
W[m] Dent

Geo: Muschamp Esq. making Oath to a List of Ships &ca

Came George Muschamp Esq Collecto[r] of his Ma[ts] Customs within the District of Potomock and made Oath to a List of all Ships by him Entered and Cleared within the s[d] District, since his Officiateing there. Whitehall

The Comm[rs] L[re] abt the 20 p Cent allowed &c[a]

Then produced by his Ex[ncy] a Letter from the Right hon[rble] the Comm[rs] of his ma[ts] Customs, Dated the 19th of December last past, relating to the 20 p Cent allowed to his ma[ts] Collecto[rs] for Collecting the 1[s] p pound and Concerning the Comptrollers & Surveyo[rs] Office being let fall &c[a] the w[ch] his Ex[ncy] gave to the s[d] M[r] Muschamp to peruse and take Notice off, which was by him perused accordingly and a Copy thereof Ordered to be given him. Whitehall

Com̄odores L[re] abt the arriv[ll] of a Ship.

Read a Letter by his Ex[ncy] received from Cap[t] Charles Wager Com̄odore of the Virg[a] & Maryland ffleet, Dated the 13th of this instant Septemb. giving an Acc[t] of the Arrivall of one of the Ships belonging to the ffleet, called the intelligence, Jonas Moats Master, six days before, being brought by Cap[t] Josias Dan[ll] Commander of his Ma[ts] hired Ship the Prince of Orange. His Ex[ncy] is pleased to Signifye that the s[d] Cap[t] Daniell acquainted him, that the Com̄odores Ord[rs] were to Stay a hundred days after the Arrivall of the ffleet, and that he intended to Reckon the s[d] days from the s[d] last Ships Arrivall. p. 393 Whitehall

Ord[r] abt ffrenchmen not to Reside in this province.

Upon Representation and by Advice in Councill Ordered that no ffrenchmen be suffered to seat inhabite or Reside, upon any fforreign Plantations or places Scituate upon the ffrontiers of this province.

M[r] Wriothesleys deposition abt M[r] Cood.

Read a deposition of M[r] Henry Wriothesley relating to Blasphemous Words Spoke by M[r] John Cood and it being signifyed that severall other persons were likewise by at the time of the words speaking

Lib. H. D. Viz^{t} M^{r} Lumley, M^{r} ffreeman, M^{r} Beard, M^{r} Baye, M^{r} Loftus, & George Valintine they were all summon'd to appear at this Board to Morrow Morning.

September the 22th 1696.

The Councill again Sate and were p^{r}sent as before.

Whitehall M^{r} Cood Ordered to be prosecuted &c^{ca}

The severall persons Yesterday Summoned do accordingly Appear and give in their Depositions taken &c^{ca} except the three last mentioned persons, who upon their Examinations seem to Remember nothing materiall.

Ordered that the s^{d} Cood be prosecuted thereon & forthwith dismissed from his military imploy and that the same be notifyed to the Severall Counties of the Province & the Depositions published &c^{ca} which was done by the following Ord^{r} Sent to the Severall Counties, Viz^{t}

By his Ex^{ncy} the Govern^{r} & Councill &c^{ca}

Septemb. the 22^{d} 1696.

Whitehall M^{r} Coods dismissall from his Military imploy, &c^{ca}

Whereas M^{r} John Cood of St. Maries County, being by a former Ord^{r} of this Board constituted and appointed Lieuten^{t} Colonel of the Militia of the s^{d} County; but fforasmuch as by the Depositions of severall p^{r}sons here taken it doth appear that the s^{d} Cood hath spoke Blasphemy and is generally reputed to be a man of a most flagicious life and conversation, as to Drunckenness, Swearing & all such debaucheries and upon these Acco^{ts} not thought fitt to be Continued in the said Military imploy it is therefore hereby Ordered that (for the reasons afores^{d}) he be dismissed from his s^{d} Office or Command of Leivt^{t} Colonel as afores^{d} whereof all persons within the s^{d} Whitehall County are to take due Notice and the Sheriffs of the Province comanded to make publication of this Ord^{r} together with Coppyes of the Severall Depositions thereabout taken (herewith sent) to the End all p^{r}sons may be cautious of keeping him Company; & that the Sheriff of St. Maries County p. 394 serve the s^{d} M^{r} Cood with a Copy hereof.

Signed p Ord^{r}

Hen: Denton C of Concil.

The Depositions follow Viz^{t} Lib. H. D. Whitehall

The Deposition of Henry Wriothesley of the Port of Annapolis.

This Depon^{t} Sayth.

Mr Wriothesley Deposition abt Mr Cood

That happening in Company with Coll: John Cood & some others, among their discourse a dispute arose between the s^{d} Coll: Cood & M^{r} Alexand^{r} Lumley concerning Religion (being Gentlemen of a different perswasion) and in their discourse or Argum^{t} the question was put to M^{r} Lumley by the s^{d} Cood whether he the s^{d} M^{r} Lumley did beleive in Jesus Christ, the s^{d} M^{r} Lumley Replyed that he did, why say'd Coll Cood, do you think that God Almighty ever begat a Son, upon which M^{r} Lumley Quoted a text of Scripture written by S^{t} Paul (the place where I cannot Remember) Coll: Cood upon that reply'd S^{t} Paul may be an impertinent writer, as well as other men; all Religion lyes in Tullies Offices and further sayth not.

H Wriothesley.

The Deposition of John ffreeman.

Mr ffreemans Dep. abt Capt Cood &cca

The aboves^{d} Deponent upon his Oath Sayth, that accidentally meeting with Cap^{t} John Cood (alias Code) late high Sheriff of S^{t} maries County in Maryland in the House of M^{r} John Evans in S^{t} maries City in the s^{d} County & Province, he the s^{d} Depon^{t} heard the s^{d} Cap^{t} John Cood (als Code) speak and audibly express in publick talk directed to the s^{d} Depon^{t} some months before the s^{d} Depon^{t} left his lodgings in the s^{d} City to attend and accompany the Records of the s^{d} Province removed to the Town and port of Annapolis, Anno Domini 169

These following Words.

Viz^{t} That the Priests of both the Churches, Roman and Protestant were Rogues; and that it was all one to serve God or the Devill, for Religion (said he) is but policy. Whereupon the s^{d} Depon^{t} Saying to the s^{d} Cap^{t} Cood (als Code) I admire to hear such things from you who (as I am told) are in holy Ord^{rs} yo^{r} Self, the s^{d} Cap^{t} Cood (als Code) thus Reply'd, Yes, I am both Deacon and Priest in the Church of England.

September the 22^{d} 1696.

Mr ffreemans Oath &cca

The above Deposition was sworne to before his Ex^{ncy} and Councill by the above named John ffreeman. Whitehall

Hen: Denton Cl Concil.

Lib. H. D. Mr Lumleys Dep: abt Coll Cood &cca

That Alexandr Lumley of Ann Arrundell County Gentl. being Engag'd about his own private business in the City of Annapolis in the sd County one Mr Ridgly did invite the sd Lumley to come into one Mrs Proctors House to drink with him, which the sd Lumley did accordingly & then and there met with a person to him the sd Lumley then unknown, but the sd Lumley being accosted by him the sd
p. 395 unknown person in an unusuall Dialect did inquire of Mr Ridgly what his Name was, the said Ridgly told him that the sd persons Name was Cood with the addition of Colonell upon which the sd Lumley was more attentive to his the sd Coods discourse, and in a small time afterwards the sd Cood told the sd Lumley that it was pity he should be a Papist tho he thought
W. all Religion to be a Sham, and that there Never was any such person as Jesus Christ the Son of God upon Earth, Whereupon the sd Lumley being Astonished at the Blasphemy, replyed that there were great Reasons both internall & externall to believe the Divivity of our Saviour, and cited a text out of St Pauls Epistles, and then the sd Cood fell into an Argument abt the possibility of God Almighty's Generateing a Son, and when he was pressed about the different ways of Generation according to the Schole Divines; he said St Paul was an impertinent fellow and that he did not believe one word he said; All Religion lyes in Tullies Offices.

Test Alex: Lumley.

Septem. the 22th 1696.

Mr Lumley sworne abt Coll: Cood &cca

Then came the aforenamed Alex: Lumley before his Excncy in Councill who made Oath upon the holy Evangelist to the truth of the aforementioned prmises.

Hen: Denton Cl. Concil.

The Deposition of Richd Beard of the port of Annapolis Aged fforty four Years or thereabouts.

This Depont Sayth.

Mr Beards
W. Deposicōn abt the sd Coll: Cood &cca

That about three weeks agoe, being in Company with Mr John Cood of St Maries County at Mr Nicholas Spourns House within the Port aforesd the sd Cood (after some discourse passed betwixt them) asked the Depont whether he never Read in Scripture that Christ turn'd Severall Divills out of Severall women, & another person standing by said Yes, he turn'd Seaven out of Mary Magdalin; Whereupon Cood answered with an Oath Saying,

by God it was all lyes for that the Divell never was in Woman and therefore could not turn any out, and further Saith not. Lib. H. D.

September the 22d 1696.

Mr Beard sworne before his Excy and Councill &cca

Then came the above Depont before his Excy in Councill and made Oath upon the holy Evangelist that the above Deposition is true. Whitehall

Hen: Denton Cl Concil.

September the 23d, 1696.

The Councill again Sate and prsent W.

His Excy ffrancis Nicholson Esq Capt Genll &cca
Sr Thomas Laurence Barront Secyr
Coll: Nicholas Greenberry
Coll: Charles Hutchins
Coll: David Brown
Thomas Brooke Esqr
James ffrisby Esqr

Drawn up by Ordr the following Precept directed to the Sheriff of St. Maries County, Vizt

A Precept abt Coll: Coods Blasphemy &cca

fforasmuch as it hath been made appear by the Depositions of Severall persons here taken how that Mr John Cood of St. Maries County (commonly called Coll Cood) hath at Sundry times and in Severall places and Company's Uttered many horrible and Blasphemous words agt the blessed Trinity and our Lord and Saviour Jesus Christ; denying him to be the Son of God; whereby he has (as ffar as in him lyes) bid defiance to the Christian Religion; And whereas it is to be doubted (that having had liberall Education) he may have set his wits to worke to defend such his Blasphemous Expressions by writing or having such sort of Booke or pamphlets, which may prove of more dangerous consequence to those persons, in whose hands such writings may chance to Come; and more especially taking into consideration his Mats late Commands to the Rt Reverend the Bishops for them to give their strict Ordrs and directions that no disputacōns be suffered or Books or pamphlets writ about the doctrine of the Trinity or the like; Ordered thereupon that the Sheriff of St Maries County doe upon sight hereof goe to the house of the sd Mr Cood and there make search for all Books, pamphlets, writings and papers and (upon refusall of showing thereof) that he break open any p. 397 W.

Lib. H. D. lock, trunck, Chest, &c^{ca} and take into his possession all small pamphlets, writings and papers & close seal them up in a bagg, together with a Catalogue or List of all his other Books and so transmit the same unto his Ex^{ncy} in Councill with all convenient speed for the pe^{r}usall of this Board for which this shall be his Warrant, and that he do not divulge this untill Executed at his perill.

W. September the 24th 1696.

The Councill again Sate and were p^{r}sent as before.

M^{r} Muschamps collection of the peny p pound &c^{ca} making Oath thereto.

Came George Muschamp Esq^{r} Collecto^{r} of his Ma^{ts} Customes within the district of Potomock, who made Oath to his Collection of the penny p pound within the s^{d} District, since his Acting there.

Produced and Read his Ma^{ts} Royall Commission constituting the s^{d} George Muschamp Esq^{r} Receiver of the s^{d} District.

W. Produced also to the Board his instructions relating thereto both which were Ordered to be Entered in the Councill Book.

M^{r} Muschamp required to give Bond &c^{a}

The s^{d} M^{r} Muschamp being Required to give Bond pursuant to the tenor of his Commission, came and Offered M^{r} Philip Clarke and Cap^{t} Thomas Waughop for his Bondsmen, who were accepted off; and it being considered, that the Revenue arising and becoming due within the s^{d} precinct, being very Small, it will not be needful that the principall and security do Enter into a greater Bond than 450^{ll} Viz^{t} 150^{ll} apeice for the s^{d} Muschamps performance of the s^{d} Trust, which was Ordered accordingly & drawn and signed to by the s^{d} Muschamp Clarke and Waughop.

Coll: Greenberrys Grant to go to Engl.

His Hon^{r} Coll: Nich^{o} Greenberry humbly Representing to the Board, that he having a long time laboured under some indisposition of body, as also had Severall weighty Affairs relating to himself for to Manage in Engl. did therefore move that he might be permitted to goe for England, this ffleet, in Ord^{r} to better his health and looke
W. after those Affairs that Require his attendance there, which was accordingly granted him.

September the 25th 1696.

The Councill again Sate & were p^{r}sent as before, except M^{r} Brooks.

Ordr of Reference abt the Srffs leaving their Counties &cca

Ordered that it be Referred to Mr Attorney and Sollicitor Genll for them to Consult & Return their Opinion to this Board whether the Sheriffs of the Counties can legally leave their County, during their Shriveltey, & whether the posse can be raised in the absence of the high Sherriffe. Lib. H. D.

September the 26th 1696. W.

The Councill again Sate and were p[r]esent

His Excncy ffrancis Nicholson Esq Capt Genll &cca

Sr Thomas Laurence Baront Secry	Coll: David Brown
Coll: George Robotham	Coll: John Addison
Coll: Nicho Greenberry	Thomas Brooke Esq.
Coll: Charles Hutchins	James ffrisby Esq.

Motions of three of his Mats honrble Councill

Upon motion made by the honrble Coll: John Addison & Thomas Brooks Esq that they might be permitted to goe home, the sd Coll: Addison urging some pressing occasions which require his attendance there; and the sd Mr Brooks urging that his Servants were now in hand about building a Mill and could not goe forward therewith without his p[r]sence; Coll: Robotham also desiring the leave of this Board to Retire home in Ordr to the looking after two Severall Cargoes of Goods wch Requires his hast at this time—His Excncy was pleased to say that his Mats Royall Instructions unto him does direct that he shall not hold Councills to doe any business of consequence under the number of ffive of the Gentlemen of the Councill being p[r]sent, W. unless in case of absolute necessity therefore acquainted them that they would doe well to agree among themselves about it, who should goe or stay, so that ffive might be left, and he should be willing thereto; Whereupon leave was given by Consent to the three aforementioned Gentlemen to goe.

Coll: Greenberry desires leave to goe home

His honr Coll: Greenberry Signifying his present indisposition of body desires leave to Retier home untill Munday next.

Mr Muschamps Bond for his Receivers place &cca

Maryland ss

Know all men by these p[r]sents that I George Muschamp of St Maries County Esqr do owe and stand indebted unto our Soveraign Lord King William the Third &cca in the full and Just sume of One hundred and ffifty pounds Sterl. Money of England & Wee Philip Clark and Thomas Waughop of the sd County Gentl in the like Sume of One hundred & ffifty pounds sterl. each the wch

Lib. H. D. paym^ts well & truly to be made to our s^d Soveraign Lord the King his Heirs & Successo^rs We bind our Selves & Each of Us our & Every of our heirs Execut^rs & Adm^rs joyntly & severally firmly by these p^rsents; as Witness our hands & Seals this 26^th day of September in the Eigth year of his s^d Ma^ts Reign &c: Annoq Domini 1696.

The Condition of the above Obligation is such that Whereas the above bound George Muschamp Esq^r is by his Ma^ts Royall Commission, bearing Date the Eighth day of October Anno 1695, Constituted and appointed Receiver of his Ma^ts Revenue Raised or to be Raised for the Support of Governm^t within the Precinct of the River of Potomock &c^ca as by Recourse to the s^d Commission, being had, more fully and at large doth appear; Now if the s^d George Muschamp shall and doe in all things well & ffaithfully discharge and perform that Trust as by the s^d Commission is reposed in him, as also produce and Render before his Ex^ncy in Councill a true & perfect Acco^t (twice every year) of all Sum̄e & Sum̄es of money or otherwise as shall by him be Collected for the Vse of his Ma^ty within the District or precinct afores^d from time to time and accordingly make Oath to the Same, during the continuance of his s^d Commission, then this present Obligation to be Void and of none Effect, otherwise to Stand and Remain in full force power and Virtue.

Signed, Sealed & delivered in the prsence of Us.
Thomas Laurence
George Robotham
David Browne.

G. Muschamp [Seal]
Philip Clarke [Seal]
Tho Waughop [Seal]

[Apprehension of Pirates.]

By the Lords Justices, A Proclamation.

Tho: Cantuar. I. Sum̄ers C. S. Pembroke C P. S.

Shrewsbury.

Lords Justices Proclamation for apprehending Capt Every & other Pyrats &c

Whereas we formerly received Information from the Govern^r and Company of Merchants of London Trading to the East Indies, That one Henry Every, Commander of the Ship called the Phansie alias Charles, of fforty Six Guns, and one hundred and thirty men, had, und^r English Colours, committed Severall Acts of Piracy upon the Seas of India or Persia, Whereupon we issued a Proclamation, bearing date the 17^th day of July last, for the taking and apprehending the s^d Henry Every, and such other persons as were with him in the s^d

Ship in Ord^{r} to have them punished as Pirates and Common Robbers upon the high Seas; And whereas we have since the Issuing the s^{d} Proclamation received further Information from the s^{d} Govern^{r} and Company of Merchants, Trading to the East Indies, That the s^{d} Hen: Every hath changed his name, And now goes by the name of Henry Bridgman, and that James Cray, Thomas Summerton, Edward Kirwood, W^{m} Down, John Reddy, John Stroger, Nath: Pike, Peter Loanes, Henry Adams, ffran: ffrennier, Thomas Johnson, Jos: Dawson, Sam^{ll} Dawson, James Lewis, John Sparks, Joseph Goss, Charles ffalconer, James Murray, Robert Rich, John Miller, John King, Edward Savill, William Philips, Thomas Jope, and Thomas Belisha, together with severall others whose names are not yet discover'd (amongst whom were ffifty two ffrenchmen, ffourteen Danes, & others of other Nations) were with the s^{d} Henry Every alias Bridgman in the s^{d} Ship Phansie, When the Severall Acts of Piracy were com̄itted, and were Aiding and Assisting therein and Shared in the Plunder so by them Pyratically taken, to the Amount of One Thousand pounds a man or thereabouts; And whereas we are Inform'd, That the s^{d} Henry Every alias Bridgman, with Severall other Persons above Named, have since they com̄itted such Acts of Piracy left the s^{d} Ship in the Island of Providence, and are Arrived in Ireland in two Small Sloops and have there dispersed themselves, Some of w^{ch} persons Remain there and others are Come into this Kingdom and the Kingdom of Scotland, as two of their Accomplices, who are now Taken and in Custody, have Confessed and Declared: We have therefore thought fit (by the Advice of his Ma^{ts} most hon^{rble} Privy Councill) to issue this Proclamation, hereby Declaring That the s^{d} Henry Every alias Bridgman, together with the s^{d} Severall persons above named, and others Englishmen, Scotchmen & fforreign^{rs} to the number of about One hundred and Thirty, did Steal and Runn away with the s^{d} Ship from the Port of Corunna in Spain; and th^{t} neither the s^{d} Henry Every als Bridgman, nor any of the Persons above Nam'd had any Com̄ission or Authority from his Ma^{ty} to Com̄and the s^{d} Ship or the men therein; but that the s^{d} Henry Every alias Bridgman, and the Severall other persons above Nam'd and such others as were with them in the s^{d} Ship are Pyrates and Robbers upon the high Seas, And we do hereby Charge and Com̄and all his Ma^{ts} Admiralls, Captains and other Officers at Sea, and all his Ma^{ts} Govern^{rs} and Com̄and^{rs} of any fforts Castles or other places in his Ma^{ts} Plantations and all other Officers and persons whatsoever, to Seize and Apprehend the s^{d} Henry Every alias Bridgman, James Cray, Thomas Summerton, Edward Kerwood, W^{m} Down, John Reddy, John

Lib. H. D.

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Lib. H. D. Stroger, Nathaniell Pike, Peter Loans, Henry Adams, ffrancis ffrennier, Thomas Johnson, Joseph Dawson, Sam[ll] Dawson, James Lewis, John Sparks, Joseph Goss, Charles ffalconer, James Murray, Robert Rich, John Miller, John King, Edward Savill, W[m] Philips, Thomas Jope, and Thomas Belisha, and such others, as were with them in the s[d] Ship (who may probably be known and discovered by the great quantities of Gold and Silver of fforreign Coines which they have with them) in order th[t] they may be brought to Justice and Suffer the Just punishm[t] of the Law, as Pirates upon the high Seas. And we do hereby further declare, That in Case any of the Persons above Named (except the s[d] Henry Every alias Bridgman) or any other persons who were in the s[d] Ship with the s[d] Henry Every alias Bridgman shall discover the said Henry Every alias Bridgman or any other of the persons above Named, so as they may be Seized and taken, in Order to be brought to Justice, he and they making such discovery shall
p. 90 have his Ma[ts] Gracious pardon for their Offences, And we do hereby further declare, That such person or persons, or any other person or persons who shall discover the s[d] Henry Every alias Bridgman, so as he may be Seized or taken or Shall be otherwise Instrumentall in Seizing the s[d] Henry Every als. Bridgman, so as he may be Seized or taken, he or they making such discovery or Seizure, shall have the Reward of ffive hundred Pounds promised in the s[d] former Proclamation, for the Discovery and Seizure of the s[d] Henry Every, And that in Case any person or persons shall discover of the other persons above Named, so as they may be Seiz'd or taken, or shall be otherwise Instrumentall in Seizing any of the s[d] persons, he or they making such discovery or Seizure, shall have a Reward of ffifty pounds for every of the s[d] persons, whom he or they shall so discover or Seize, w[ch] s[d] Severall Sum̄s of ffive hundred pounds and ffifty pounds, the Lords Comm[rs] of his Ma[ts] Treasury are hereby Required and directed to pay accordingly; Given at the Councill Chamber in Whitehall, the Tenth day of August 1696. In the Eigth year of his Ma[ts] Reign.

God Save the King.

Lords of the Councils L[re] to his Excy abt Capt Every & Pyrats &c[a]

After our very hearty Commendations, whereas their Ex[ncy] the Lords Justices of England, have Received Information from the Govern[r] & Comp[a] of merchants of London Trading to the East Indies, That Henry Every als Bridgman with diverse other Persons English and fforreign[rs] having Runaway with the Ship Charles the Second als the Phancy from the Port of Corunna in Spain, had Com̄itted severall Acts of Pyracy in the Seas

of India and Persia, and having afterwards left the s[d] Ship at Lib. H. D.
the Island of Providence, had shared the Plunder so by them gotten and dispersed themselves Their Ex[ncys] have thereupon thought fit, by Proclamation in his Ma[ts] name, to require all his M[ats] Admiralls, Comanders & other Offic[rs] at Sea, and all Govern[rs] Comanders and other Officers whatsoever in his Ma[ts] Plantacons, to Secure and Apprehend the s[d] Henry Every als Bridgman, and other persons Nam'd in the s[d] Proclamacon, and such others as were with them in the s[d] Ship, a Copy of which Proclamation you will herewith receive, And whereas Information has been likewise given, that divers Pyrates and Sea Robbers have of late years gone from Severall parts of his Ma[ts] plantations in America to the Seas of India & Persia and other Remote parts upon the like Piraticall design's and that Some of them have Return'd home again and dispersed themselves in his Ma[ts] Plantations, with great quantities of Gold and other Plunder. We do hereby in his Ma[ts] name strictly Require and Comand you, forthwith upon Receipt hereof, to Cause the s[d] Proclamation to be published within yo[r] Governm[t] and th[t] for the Suppressing as much as may be all such Evill Practices for the ffuture, whereby the Trade of his Ma[ts] good Subjects in fforreign Parts may be otherwise greatly disturbed, We do hereby in his Ma[ts] name Strictly charge and Require you and all his Ma[ts] Officers and Loving Subjects within yo[r] Governm[t] to take all possible Care, and use all due means for the Seizing and Apprehending all such Pyrates and Sea Robbers and such as may be reasonably Suspected for the Same, either by Reason of the Great Quantities of Gold & Silver of fforreign Coines they usually have p. 88
with them, or by other probable Circumstances, And to Cause them to be Streightly imprisoned, and their Ships Goods and Plunder to be kept in Safe Custody untill upon Returning a full Acc[t] unto Us, of the s[d] Persons, their Ships, Goods and Plunder, with the Evidences relating to them, His Ma[ts] Pleasure shall be known and Signifyed concerning them, And so we bid you very heartily ffarewell, ffrom the Councill Chamber in Whitehall the 27[th] of August 1696.

Yo[r] very Loving ffriends

Cap[t] Gen[ll] & Gov[r] in Chief of Maryland.

Tankerville
J Boscawen
P: Berti

Romney
H: Goodricke
Cha: Montague

Lords of the Council for Trade &c: L[re] of Quarries to his Ex[cy]

S[r]

His Ma[ts] having been graciously pleased by his Comission under the Great Seal of England, to Authorize and Constitute Us his Comm[rs] for promoting the Trade of this Kingdom and for inspect-

Lib. H. D. ing and improving his Plantations in America & else where We have thought fit to acquaint you that it is his Ma^{ts} pleasure and Express Comand that the Govern^{rs} of all his fforreign Plantations doe from time to time; give unto Us frequent and full Information of the State and Condition of their respective Governm^{ts} and plantations, as well with the Regard to Adm^{rcon} of the Governm^{t} and Justice in those places, as in relation to the Comerce thereof; and more particularly that the s^{d} Govern^{rs} transmit unto Us yearly Acco^{ts} of their s^{d} Adm^{rcon} by way of Journall; together with the Acts of the Assemblys in the respective Plantations; and Exact Accounts of all money given for publick vses, and how the Same is from time to time expended or laid out; All w^{ch} things you are therefore accordingly to observe in relacōn to the Province of Maryland comitted to yo^{r} Charge.

Particularly We desire and Require you, by the ffirst opportunity to send us a Compleat list of the Names of the
p. 93 present Councill of that Province, and together with that, a further List of the Names and Characters of such persons as you think proper to Supply the Vacancies that may happen either in the Councill or any other Office wherein they are to be confirmed by his Ma^{ts} approbation.

2. And further We desire you to inform Us by the ffirst opportunity what Number of Inhabitants there are within that whole Province. What of ffreemen And what of Servants; White and Black.

3. How are those Numbers increased or decreased, since yo^{r} Entrance upon th^{t} Governm^{t} Or since the last Estimate that you understand to have been made of them.

4: ffrom whence are any New Inhabitants come into that Province or to what places are they Removed, Particularly, whether to, or from Pensilvania.

5: What is the whole number of the Militia of that Province.

6: What proportion of the Inhabitants are imployed in Planting of Tobacco, And what proportion in any other way, and particularly what way.

7: What Commodities are Exported from that Province to England besides Tob^{o}

8: What Trade is there either by Exportacōn or importation, with any other place; And from whence is that Province now ffurnished with Supplyes particularly of any Manufactures th^{t} it was wont to be furnished withall from England.

9: How is the Trade of th^{t} Province increased or decay'd of late years; and what has been the Reason of such increase or decay.

10: What are the p^{r}sent methods used to prevent illegall Trade. And what further methods doe you think adviseable for that purpose.

11: Whether is the Ord^{r} of yo^{r} Councill of the 14th ffebruary 1693/4 (that noe Ships should be clear'd in that Province without giving Security to call upon S^{r} Edmund Andros in Virg^{a}) continued to be observed? Lib. H. D.

12: What has been the Success of yo^{r} Proclamation of the 17th August 1695 And the other means you have used against illegall Trade by way of Pensilvania?

13: What Number of Ships or other Vessells are there belonging to the Province? And what Number of Sea faring Men?

14: What Number and what Sorts of those Vessells have been built there?

15: What Navall Stores of any Sort (masts, Timber, Pitch, Tar, Rozin, Hemp, Salt peter &^{ca}) is th^{t} Province able to ffurnish? and what facility or difficulty may there be in doing it? p. 94

16: What Manufactures are Setled in that Province, of any Sort whatsoever.

17: What Nations of Indians are there in that Province, or upon yo^{r} Borders? And in what correspondence do you live with Each of them respectively; ffriend ship or Enmity?

18: What fforreign Indians are those (of what Strength, and what point of the Compass do they lye from you) which are mention'd in the Journalls of yo^{r} Councill (in the month of October 1695) to pass along yo^{r} ffrontiers in their Journeys Southward?

19: What means have been at any time or are now used to Convert the Indians in those parts to the Christian Religion? And with what success?

20: Are any of those Indians brought to live amongst you, in a Setled way, and to learn our language? And what way are they, or may they be, made Usefull?

21: What has been the Success of the Treaty with the Senniquos Susquehanetis and Shevanoe Indians in the month of May 1696?

22: What Number of Rangers are imployed for the Security of yo^{r} ffrontiers? What is the Nature of their Service; what Indians are joyned with them?

23: To all w^{ch} Enquiries we also further desire you to add whatever else you may in yo^{r} own Prudence think Conducive to his Ma^{ts} Service, to the Interest of England, to the Advantage of that particular Province, and to our Assistance in the discharge of the Trust Reposed in Us?

24: And now we are to Acquaint you that we have Received yo^{r} Letters of the 18th of March and of the 12th of June last, directed to the R^{t} hon^{rble} the Lords of the late Comittee for Trade and Plantations together with the Journalls of Councill and Assemblies, and the Laws mention'd in the ffirst of them

Lib. H. D. Which we shall lay before his Ma^ty^ together with what you desire about a small Vessell to Cruize upon that Coast.

25: In the last place, as for yo^r^ desire that a Court of Exchequer may be Erected in that Province, we Suppose yo^r^ intention therein will be answered by the Settlement of a Court of Admiralty there; about which we have Reason to believe some Order is or will be Speedily taken; so we bid you heartily ffarewell. Yo^r^ Loving ffriends

Whitehall Septemb^r^ the 25^th^ 1696 — Jn^o^ Pollexfen, John Lock, Abr: Hill — W^m^ Trumball, Char: Montague, Ph: Meadows — J Somers C S. Tankerville

Munday Septem. the 28^th^ 1696.

The Councill again Sate and were p^r^sent

His Ex^ncy^ ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ &c^ca^

Whitehall The hon^rble^ S^r^ Thomas Laurence Baron^t^ Secry^r^, Coll: Nicholas Greenberry, Coll: Charles Hutchins, Coll: David Brown, James ffrisby Esq^r^

Ord^r^ for Mast^rs^ of ships to make Oath abt their Tobacco Exported &c^ca^ p. 400

Ordered that the following Oath be administred by the Collector & Nav^ll^ Officer of each respective District unto all the Masters of Ships (exporting Tob^o^) at their clearing and that in case of the Masters Refusing to Swear that then the Boatswaine or other Officer imployd in the stowing & keeping acco^t^ of the s^d^ Tobacco make Oath thereto.

The Oath followes, Viz^t^

Whitehall Oath to be taken by the Severall Mast^rs^ of Ships &c^a^

You do swear that the Acco^t^ of the Tob^o^ by you now given, Shiped on board the this p^r^sent voyage is a true & Iust Acco^t^ both of the Tobacco in hogsheads and Bulk, and that no person or persons whatsoever besides had to doe or were actually concern'd in the Shiping on board any other Tobacco than the Acco^t^ now given, and that you do not intend to take any more Tobacco on board this p^r^sent Voyage nor suffer the same to be done, without giving an acco^t^ thereof to the Kings Officer &c^ca^ before you depart the province.

So help you God.

September the 29th 1696. Lib. H. D. Whitehall

The Councill again Sate & were p[r]sent as yesterday.

Ord[r] for a Proclamation abt the exportacōn of Corn &c[ca] Drawn up by Ord[r] the following Proclamation which was Read and approved off and signed by his Ex[ncy] and passed the broad Seal of the province, Viz[t]

By his Ex[ncy] the Cap[t] Gen[ll] &c[ca] Whitehall

A

Proclamation

A Proclamation abt the Exportation of Corn. Whereas by advice of his Ma[ts] hon[rble] Councill and at the speciall instance and Request of the house of Burgesses, I caused a Proclamation to issue under the Broad Seal of this his Ma[ts] province of Maryland, bearing date the 15th day of October, last past, strictly prohibiting the Exportacōn of Corn; And fforasmuch as it hath pleased Almighty God of his infinite goodness to bless this province this year with plentiful Crops of Corn &c[ca] insomuch that it is thought expedient the s[d] Proclamation should be now taken off and abolished; I do therefore (by Advice of his Ma[ts] hon[rble] Councill & at the sp[ll] instance and Request of the House of Burgesses in Assembly now conven'd) hereby Publish and declare the s[d] Proclamation to be null and void and every clause and thing therein contain'd, Utterly abolished & of none Effect, Commanding the Sheriffs to make Proclamacōn hereof in all places within their respective Counties; Given at the Port of Annapolis under the broad seal of the province this 29th day of September 1696, and in the Eigth year of the Reign of our Soveraign Lord King William the Third &c[ca]

God Save the King. ffr: Nicholson. Whitehall

Barbadoes, Aug[t] 27th 96.

Presidt of Barbadoes Lre abt the death of Gov[r] Russell &c. S[r]

It hath pleased Almighty God, to take from Us his Excellency Coll: ffrancis Russell our late Gover- p. 24 nour, who departed this life on the 7th Instant, by whose death the Governm[t] of this Island is devolved upon us the members of his Ma[ts] Councill.

We have therefore thought it Convenient and Necessary to dispatch to you this intelligence and to lett you know that it is the desire of Us that the same kind and Constant correspondence that hath been held between you and the former Govern[rs] of this Island may be preserved and Continued for

Lib. H. D. the honour and Service of our most gratious King and the Common benifitt of the American Colonys.

Some late successes we have had against the ffrench pri-
p. 25 vatteers have discouraged them from infesting our Coasts as formerly and his Majesty hath furnished Us with a ffrigott that Sailes extremely well which wee hope will secure our Navigation for the time to come. We have Rec^{d} advice from Whitehall that a Squadron of Ships with some Land fforces was preparing in ffrance, to make Some attempt upon the American Colonys; We are therefore with all possible diligence putting our Island into a posture of Defence, in case the Design should be against Us.

And we hope God will defeat both this and all other the undertakings of the ffrench King, this being what Offers worthy yo^{r} Advice at p^{r}sent Subscribe

Yo^{r} humble Servant
ffran Bond p^{r}esid^{t}

Geo: Muschamps Commission for being Receiver of Potomock District

William R

William the Third by the Grace of God of England Scotland ffrance and Ireland King Defend^{r} of the ffaith &c to all whom these presents shall come Greeting Know Yee that we reposing Especiall Trust and Confidence in the ability care and fidelity of our Trusty and well beloved George Muschamp Esq^{r} of our Especiall Grace certain knowledge and meer Motion have Ordained Constituted and appointed and by these presents doe Ordain Constitute and appoint him the s^{d} George Muschamp our Receiver of our Revenue Raised or to be Raised for the Support of our Governm^{t} within the precincts of the River of Potomock within our Province of Maryland in America with full power and authority to Levy Collect and receive all manner of Revenues duty's Imposts and proffits which are or shall from time to time grow due to Us for the support of our Government, within our s^{d} Province within the s^{d} Precinct such dutys & Revenues only Excepted as by our Ord^{r} in Councill bearing date the 26th in the Third Year of our Reign We have declared to belong to our Right Trusty and well beloved Charles Lord Baltemore as Proprietor of our s^{d} province and for the care and paines of him the s^{d} George Muschamp in about the Execution of the s^{d}Office and Imployment We have given and Granted and by these p^{r}sents doe give & Grant unto him the said George Muschamp the fee or Salary of one hundred pounds ꝑ Annum out of our s^{d} Revenues dutys Imposts and Proffits arising within the Precincts afores^{d} to have hold Exercise and Enjoy the s^{d} Office and Imploym^{t} of our Receiver of our s^{d} Revenues dutys

Imposts and proffits within the s[d] Precinct together with the s[d] Lib. H. D.
ffee or sallary of one hundred pounds p Annum And for and
dureing our pleasure and lastly we doe hereby Authorise and
require the Gov[r] of our s[d] Province and all other Officers and p. 22
Ministers whom it Shall or may concern to make allowance of
the s[d] ffee or Sallary of one hundred pounds p Annum to the
s[d] George Muschamp According to the true intent and mean-
ing of these presents without any further Warrant or directions
in that behalfe. Provided always and our will and pleasure is
that the s[d] George Muschamp doe not take upon him the
Execution of the Office of our Receiver of our s[d] Revenue
before he shall have Given good and Sufficient Security for the
due performance of his said Trust, Given at the Court at the
Hague this Eigth day of October N S 1695, in the Seventh
year of our Reign

By his Ma[ts] Command
Signifyed by M[r] Blathwayt
Ste ffox
Cha Montague
J Smith

Instructions for M[r] Geo: Muschamp Collector of Potomock River in Maryland

William R.

Instructions for our Trusty and Welbeloved George Muschamp Esq[r] Collecto[r] and Receiver of our Revenues within the Precinct of Potomack Riv[r] in our Province of Maryland.

Whereas by our Commission bearing date at the Hague the 8[th] day of October N S 1695 We have thought fit to Constitute and appoint you Geo Muschamp to be our Collecto[r] and Receiver of our Revenues within the District of Potomock River within our Province of Maryland in America.

You are carefully and deligently from time to time to gather collect and Receive all Revenues Duty's Customes and Impositions whatsoever Arising or becoming due unto Us and our Governm[t] within our Said Province. You shall not directly or Indirectly either in yo[r] own Name or in the Name or Names of any other person or persons or in Company or Partnership with any other Trade as a Merchant for your Self or as a ffactor or Agent for any other in or for any goods Wares or Merchandizes whatsoever.

You shall constantly make and give unto our Govern[r] or p. 23
Command[r] in Cheif of our s[d] Province for the time being, and to William Blathwayt Esq[r] Surveyo[r] and Audito[r] Gen[ll] of our Revenues in America & his Deputy a true and Just account of all such Revenues Customs or Imposts So to be Rec[d] or otherwise Accruing unto Us and our Governm[t] within the

Lib. H. D. said precinct and of your issuing thereof as he or they Shall Demand the Same and you Shall duly answer and pay all Such Sum's as shall at any time be remaining in yo^{r} hands to such person or p^{r}sons to whom the same shall be Ordered by the Warrant or Ord^{r} in writing of our Govern^{r} or Commander in Cheif with the advice and Consent of our Councill there and not otherwise upon any Acco^{t} whatsoever.

You shall likewise carefully Transmitt unto the said W^{m} Blathwayt every six months or oftener a fair State and distinct Account Examined by his Deputy with the particular Vouchers of all such Revenues Duties Customes Imposts and Proffits whatsoever accruing to Us and our Governm^{t} of Maryland within the s^{d} District and of all money and Vallue of Money rec^{d} and issued by you pursuant to the Ord^{r} and Warrant of our s^{d} Gov^{r} or Command^{r} in Cheif as afores^{d} and of all Arrears due unto Us and our Governm^{t} together with the Names and habitations of all persons as shall Remaine in Arrears of their paym^{ts} and alsoe Duplicates of the sd Acco^{ts} & Papers by the succeeding opportunity in Ord^{r} to be Examined by him & presented to the Commission^{rs} of our Treasury for their approbation or disallowance of the particulars therein Contained According to the Course and Practice in the like Cases within our Kingdom of England, and in Ord^{r} to receive our directions from time to time for the Improvem^{t} of our s^{d} Revenues.

And to the End you may make and retain a perfect Acco^{t} of all Receipts and payments you are to keep true and perfect Entries of the particular branches of our s^{d} Revenues in Severall books to be provided & kept by you for that purpose and to Transmitt unto the s^{d} William Blathwayt a particular Catalogue or Leager of all Persons answerable to Us or our Governm^{t} for any Dutys or paym^{ts} whatsoever as alsoe the particular Sums or Value of Money for which such persons Stand charged & shall be indebted to Us or our Governm^{t} of Maryland from time to time together with Copyes of all Laws and Publick Acts concerning our s^{d} Revenues And you are likewise every Six months to transmitt as afores^{d} a Catalogue of Entrys of all goods and Commodities Imported or Exported together with the Names of the Ships and an Acco$_{t}$ of their burthen guns & men the Names of the Masters and Whether bound and generally you are to keep a Correspondence with our s^{d} Surveyo^{r} and Audito^{r} Gen^{ll} touching the afores^{d} Revenues and to send unto him by all opportunitys Such Informations as shall Occur relating thereunto.

And in regard it may happen there may be some things which cannot be so well foreseen here as observed by our Govern^{r} or Command^{r} in Chief you are therefore to follow such Rules and directions as you shall from time to time

receive from him for the manageing collecting and Account- Lib. H. D.
ing of and for our s[d] Revenues Provided the same be not contrary to the Ord[r] and directions given unto you or to be given by us or our Commission[rs] of Treasury or High Treasurer for the time being and Provided also that you doe not in any wise or any other by yo[r] Ord[r] intermedle with the Moyety of two Shillings p hogshead the Duty of 14[s] p Tun or the Quitt rents belonging to my Lord Baltemore as Proprietor of our s[d] Province but that you leave the same to be Collected and received by the s[d] Lord Baltemore or his Agents without any lett or hindrance from you or yo[r] und[r] Officers Given at our Court at the Hague the Eighth day of October N S: 1695 in the 7[th] year of our Reign.

Cha: Montague } By his Ma[ts] Comand
J Smith } Signify'd by M[r] Blathwayt
Ste ffox

At a Councill &[ca] September the 30th, 1696. p. 419

Present.

His Ex[ncy] ffrancis Nicholson Esq Cap[t] Gen[ll] &c[ca]

S[r] Thomas Laurence Baron[t] Secry.
Coll: Nicholas Greenberry
Coll: Charles Hutchins
Coll: David Browne
James ffrisby Esq

Lieuten[t] Coll: Richardson of Baltemore County Appearing here at this board to Answer a certain complaint made ag[t] him for marrying Thomas-Hedge of the s[d] County who has a wife in England, and th[t] the s[d] Coll: Richardson upon his Examination justifying himself therein and behaving himself in a Scornful & deriding manner in Contempt of his Ma[ts] Authority and this hon[rble] board; Ordered therefore that the s[d] L[t] Coll Richardson be dismissed from all manner of Publick imploy & places within this Province & prosecuted for the Same, and th[t] the sheriff of Ann Arr[ll] County do upon sight hereof take the s[d] L[t] Coll: Richardson into Custody and him Safe keep, Untill he shall thence be delivered by due course of Law.

September the 30[th] 1696.

Ord[r] abt Tho: Hedge & L[t] Coll Richardsons prosecution &c[ca] Ordered th[t] it be Referred to M[r] Attorney & Solliciter Gen[ll] & the rest

Vpon Representacōn made to this Board that Thomas Hedge Clerk of Baltemore p. 401
County Court had lately been marryed to another woman notwithstanding his having

Lib. H. D. of the Lawyers in Town, where a p^rson having a wife in Engl. & married another in the province the wife in Eng: still living: what the Law says in the case, & what proofe is Required to make the same appear; & th^t they make Return of their opinion therein to this Board.

a wife now living in England & that one Lieu^t Coll. Richardson tho conscious thereof did presume to perform th^t Office; Ordered thereupon that M^r Attorney and Sollicito^r Gen^ll make due proceedings ag^t them for the same.

Whitehall October the 2^d 1696.

The Councill again Sate and were p^rsent

His Ex^ncy ffrancis Nicholson Esq Cap^t Gen^ll &c^ca

S^r Thomas Laurence Baron^t Secry.
Coll: Nicholas Greenberry
Coll: Charles Hutchins
Coll: David Brown
James ffrisby Esq.

A Petic$\bar{o}$n concerning Navigac$\bar{o}$n Bonds &c^ca

Read a Petition preferred by Severall Persons bound for Mast^rs of Ships in Navigation Bonds, desiring longer time for procuring Certificates &c^ca Severall of the s^d Petitiono^rs appearing & being admitted to speak thereto; His Ex^ncy was pleased to tell them that they cannot complain in point of time, for that there was publick notice given at the City of S^t Maries, the ffirst provinciall Court after his Ex^ncys Access to the Governm^t and since by the Collecto^rs and Nav^ll Offic^rs who were Ordered to give like notice and therefore could not stop the Current of the Law, having taken an Oath before his Ma^ty to see the Acts of Trade and Navigation duly Executed as also late Ord^rs and directions from the R^t hon^rble the Lords Commission^rs in Councill and from the hon^rble the Lords Comm^rs of his Ma^ts Customs together with a late Act of Parliam^t with severall other papers Rec^d relating to Trade to see the same vigorously put in Execution; the which his Ex^ncy directed M^r Attorney Gen^ll (who was sent for) to shew to the Petico^rs for their perusall & Satisfaction, who accordingly tooke the same and withdrew in Ord^r thereto.

Whitehall The hon^rble Coll: Henry Jowles Came and was Aded.

Motion of Esq^r ffrisby to goe home &c^ca

Vpon Motion of the hon^rble James ffrisby Esq how that a Ship of Cap^t Lurtings came wholy directed to him which could not proceed to loading till his Return therefore prayed leave of the Board to Retire home in Ord^r thereto which was accordingly Granted him.

October the 3d 1696. Lib. H. D.

The Councill again Sate and were p[r]sent as Yesterday Whitehall except Esq[r] ffrisby.

Ord[r] to the Severall County Courts abt the publick allowances.

Whereas upon perusall of the Severall County Court Leavys it is thereby found that Severall persons have taken upon them to demand and actually Receive Tobacco Leavyed by the Justices of the s[d] County Court, and the s[d] Justices to make allowances to persons for sundry things contrary to Law, it is therefore considered by this Board and Ordered that no allowances (for the future) be made in the publick Leavys of the Counties where the Law does not expressly direct the same, unless it be for fixing the publick [Arms] and for the necessary charge of conveying them &c[ca] or some allowance given towards maintenance of their poor &c[ca] or to the persons or Officers tending upon the s[d] Courts according to fformer Custome, but that the latter be in no respect allow'd unless the ffixing the publick Arms &c[ca] as afores[d] be taken care off; hereby Commanding the Sherriffs to publish this Ord[r] at their Severall County Courts. p. 402 Whitehall

Produced and Read a certain Representacōn or complaint of the Bal. County Burgesses unto the house of Assembly (which was from thence referred unto his Ex[ncy]) relating to the Delaware Indians molesting their parts by hunting &c[ca] setting forth that they were Aliens and therefore under no Articles of peace with this Governm[t] the s[d] Burgesses were sent for and asked their Opinion what Remedy they thought most suitable in this behalfe, who after having given their Opinions and the s[d] matter being maturely Debated & Consulted it was Resolved and Ordered that a Copy of the s[d] paper be sent to the hon[rble] William Markham Esq L[t] Govern[r] of Pensilvania, desireing him to cause the same to be communicated to the s[d] Indians and to know of them what they have to say in Excuse of what is Complain'd ag[t] them; and M[r] Boothby Signifying that he is shortly designed for Pensilvania is Ordered to Carry the Same, & to discourse Govern[r] Markham ab[t] it; the s[d] Complaint followes in these words, Viz[t] Whitehall

A Complaint abt Indians sent to Gov[r] Markham &cca

M[r] Speaker and Gentlemen of the House of Burgesses.

Complaint having been made to Us the Representatives for the County of Baltemore by the inhabitants thereof that the Delaware Indians a people as well Aliens to Us in point of Trade as for that they were never yet Allied to Us by any League of ffriendship or Treaty Entered Whitehall

Lib. H. D. into with this Governm^{t} yet hunting among Us on Sufferance doe dayly Committ Severall trespasses by destroying the Stocks of the inhabitants and appear amongst Us contrary to the Articles of Peace made with our Neighbouring Indians & Allies w^{ch} greiveance we have Represented to his Ex^{ncy} the Govern^{r} who for Answer says, he is willing to Redress the same in such manner as the House of Assembly shall propose, We therefore the Representatives of the County afores^{d} doe humbly desire this hon^{ble} House would take the same into your consideration & propose such methods for Suppressing the same as in your wisdom you shall think fit, having put this motion in writing, pursuant to an Ord^{r} of this House lately passed.

Edw^{d} Boothby
George Ashman
John Hall
John fferry.

p. 403 By the House of Burgesses.

Septemb. 30th 1696.

Whitehall The above agreivance Referred to his Ex^{ncy} who is humbly desired to take such Methods as in his wisdom he shall think fit to Redress the Same.

W Bladen Clk Assembly

Ord^{r} abt the Justices of the County Courts &c^{ca} Ordered that the Sherriffs and Clerk of each respective County Court within this province take a constant Acco^{t} in writing of the hour the Court sits & of the hour when they break up (during the severall times of the s^{d} Courts Sitting) And for to Express and Remark therein, whether all the Justices then Sitting doe actually continue sitting those hours, w^{ch} Acco^{ts} so as afores^{d} taken (after every Courts Sitting) are by the s^{d} Officers to be sworne to before some Magistrate and Return'd unto his Ex^{ncy} at the port of Annapolis from time to time.

Whitehall October the 3^{d} 1696.

Produced and Read M^{r} Attorney & Sollicitor Gen^{ll} Report upon the above Ord^{r} of Reference as follows Viz^{t}

To his Ex^{ncy} the Gov^{r} & Councill &c

M^{r} Attorney & Sollicitor Gen^{lls} report upon the Ord^{r} of Reference In obedience to this Command Wee humbly signifye that by the Laws of England Sherriffs may not depart their Counties but once in the Year to make up their Acco^{ts} in the Exchequer. But by

the constant practice of this province they have Ordinaryly used to depart & goe out of their Counties, and We have not known any Evill thereby; But that the high Sheriff only can raise the posse Comitatus w^ch^ is humbly submitted to your Ex^ncy^ by

Lib. H. D. p. 399

Yo^r^ humble Servants
George Plater
Will^m^ Dent

Whitehall

The Report approved off abt the Sheriffs &c^ca^

The s^d^ Report was approved off, and it was Ordered thereupon as it is hereby Ordered that (for the future) no Sheriffe depart or leave his County (during his Shrivalty) unless particularly sent for by his Ex^ncy^ the Govern^r^ or that they come up to the Port of Annapolis in Aprill the vsual time when they make up their Acco^ts^ being otherwise (by the Opinion of the Lawyers) deemed to be contrary to the Law of England.

October the 3^d^ 1696.

Whitehall

The Return of Coll: Coods bagg of papers &c^ca^

A Return was made of the above Warrant and a bag of papers belonging to the s^d^ Cood was produced to this Board by the Under Sheriffe of S^t^ Maries County close sealed up pursuant to the afores^d^ Ord^r^ which were delivered to the Clerk of the Councill for his keeping, till a further opportunity Offered for p^r^using the same.

Munday, October the 5^th^ 1696

Coll: Coods Papers p^r^used by his Mats honrble Councill & sent back &c^a^

The s^d^ bagg of papers was by Ord^r^ again produced, broke open and p^r^used by his Ma^ts^ hon^rble^ Councill, but finding nothing materiall, save a Navigation Bond which was Ordered to be delivered to M^r^ Attorney Gen^ll^ and 3: or 4: Letters passed betwixt Doct^r^ Payne and him about his Commissaries Office the s^d^ papers were put up again and Ordered to be Return'd to the s^d^ M^r^ Cood by the Officer that brought them.

Whitehall

The Coron^r^ of the port of Annapolis Return abt a decd: person &c^ca^

The Coroner of this Port having made a Return of the Inquest by him taken upon the body of a Person Yesterday decd: within the same Suspected to be murthered; and upon complaint made that some of the Man of Warrs Seamen were concern'd therein; Ordered that Copy thereof be sent to Cap^t^ Daniell Commander of his Ma^ts^ hired Ship the Prince of Orange who is hereby desired to bring his Doctor and what other Doctors are near, on Shore, for to veiw the body and do what further

Lib. H. D. shall be thought requisite in that behalfe, and that the persons suspected accused be forth coming & prosecuted for the same.

Whitehall October the 5th 1696.

The Councill again Sate and were p^r^sent as before.

Ordr to the Sheriff of Talbot County to make inquiry abt a decd person

Ordered that M^r^ Nicholas Lowe high Sherriffe of Talbot County make particular inquiry into the death of Cap^t^ Thomas Salmon late Comand^r^ of the Ship Habitation of London now Riding in Choptanck River and Strictly Examine the Seamen what time he left the s^d^ Ship what apparell he had on, and what Rings, Money or other goods of Value he carryed with him; when he left the Ship and what men went with him, and to give a discription as well of the s^d^ Mast^r^ as Men; all which he is to make Return of unto his Ex^ncy^. at the Port of Annapolis with all convenient Speed, as also get the Coroners Inquest passed upon the s^d^ Salmons body or an Authentick Copy thereof to be transmitted likewise at the same time

Whitehall October the 6th 1696.

The Councill again Sate and were present as yesterday. Read the following Petic$\bar{o}$n Viz^t^

To his Ex^ncy^ ffrancis Nicholson Esq Cap^t^ Gen^ll^ & Governo^r^ in Cheif of Maryland &c^ca^

The humble Petic$\bar{o}$n of Thomas Jones of Somerset County Gent^n^

Humbly Sheweth,

Thomas Jones Pet. abt the Ship Recovery &ca

That you^r^ Peticon^r^ being ffirmly bound with Cap^t^ Henry Smith in a Bond of 320^ll^ Sterl that if a certain Ship called the Recovery Burthen ffifty Tons, which then lay under Seizure $\bar{p}$ Edward Randolph Esq should be Legally condemned yo^r^ Petition^r^ should pay the s^d^ money That the s^d^ Ship was by Court of Admiralty condemned but not legally, being altogether ag^t^ Law; for the party concern'd and who should have Defended the Same was Never Summoned, called nor did appear, and So the
p. 404 Tryall and Judgm^t^ was ex parte: But Yo^r^ Peticon^r^ could not bring a Writt of Error on the Same, because his Attorney William Dent refused to Serve him therein alleadging to yo^r^
Whitehall Peticon^r^ that he was Commanded to the Service of his Ma^ty^ as Sollicito^r^ Gen^ll^ The p^r^mises considered yo^r^ Peticon^r^ humbly Prays yo^r^ Ex^ncy^ to give Ord^rs^ to the s^d^ Attorney to Serve him for his ffees in bringing of a Writt of Error on the s^d^ Judgm^t^ and as in Duty bound shall ever Pray.

Thomas Jones

Ordr for Mr Attorney to make Report abt the sd pet.

Ordered that the sd Petition be Referred to Mr Attorney and Solicitor Genll for them to make Report whether the Petr has not made a false Suggestion therein and whether a Writt of Error does properly lye from the Court of Vice Admiralty here: Lib. H. D.

The sd Ordr of Referrence came Reported as follows, Vizt Whitehall

Mr Platers Report upon the sd Pet &ca

In Obedience to yor Excncys Commands I have perused the within Peticon and doe humbly conceive the same to be grounded upon a false suggestion for that the Petitionr who was then Attorney of Capt Henry Smith the Principall who was then out of the Province was Solemnly called to defend the Informacon why the proceedings of the sd Court may appear, And as to the Writt of Error to the Vice Admiralty Court I humbly Conceive it does not lye there, that being a Civill Law Court, all wch is humbly Submitted to by

Yor Excncys humble Servant
George Plater

Ordered that Copy of the sd Report be given to the Peticonr if he Requires it. Whitehall

Doctr Lockermans Accot of a Supernumerary Taxable &cca

Docter Jacob Lockerman late Sherriffe of Dorchestr County came & made Oath before his Excncy & Councill that he has but one Supernumerary Taxable to give an Acct of; for wch he is ready to give Credit—He is Ordered to acquaint Some of the Committee of Accots therewith.

Geo: Layfield Esq acct of Ships &cca

Came George Layfield Esq Collector of his Mats Customes within the District of Pocomoke and made Oath to a list of Ships and to the penny p pound by him collected within the sd District unto this day. His Excncy at the same time giving a Letter by him Recd from the Rt honrble the Commrs of his Mats Customes for his perusal the sd Letter bearing Date the 19th of Decembr 1695 and does direct the setting a side the Comptrollers place and the giving an Allowance of 20 p Cent for the future for the collection of the penny p pound &ca Whitehall

His Excncy & Councill's considarcon abt the Ships

Taken into Consideration what places will be most proper for the Ships now in the Countrey to Meet at, after their being loaden, that they may goe down together with the Man of Warr lying here in Ordr to Joyne the ffleet In Virga undr the Command of Capt Wager the Commodore, Whereupon Capt Daniell Com-

Lib. H. D. mander of his Ma[ts] hired Ship the Prince of Orange being sent for came accordingly & was discoursed ab[t] it and it was Agreed upon that all the Ships lying up the Bay should meet at the Mouth of Petuxant River where the s[d] Cap[t] Dan[ll] intends to fall downe with his Ship and attend there accordingly
p. 405 & that all the Ships up Potomoke should meet at the Mouth of St. Maries River and th[t] Ord[r] issue to the severall Collec-
Whitehall to[rs] & Navall Officers to give Notice thereof which was done as followes, Viz[t]

Ord[r] ab[t] the Ships attending the Men of Warr

Vpon Representation and by Advice in Councill Ordered th[t] all the Ships Riding up the Bay doe (after their being loaden & Cleard) Repair unto the Mouth of Petuxant River and all the Ships up Potomock unto the Mouth of S[t] Maries River, there to attend in Ord[r] to goe Down together with Cap[t] Daniell Commander of his Ma[ts] hired Ship the Prince of Orange to Joyne the ffleet in Virg[a] under the Command of Cap[t] Wager Commodore of the Virg[a] and Maryland ffleet; and that the Officers give Notice thereof accordingly; and as for the Ships (if any) that Clear out of Pocomoke district, that the Collecto[r] and Nav[ll] Officer take Bond for their calling upon the Commodore at Point Comfort or other place where the ffleet is made up in Virginia; and that Maj[r] King transmitt What Bills he takes unto George Plater Esq his Ma[ts] Receiver Gen[ll]

October the 6[th] 1696.

Rich: Kilbourn Dep: ab[t] M[r] Cood &c

Richard Kilbourn of the port of Annapolis being Examin'd before his Ex[ncy] in Councill, upon his Oath doth say that ab[t] Six weeks ago being in Company with M[r] John Cood at M[r] Spourns House, where he was forced by the s[d] Cood to drink he heard the s[d] Cood amongst
p. 396 other extravagant talk Say that he believed a dog or a Cow or a Swine had souls as well as men, and being weary of Such company and for his horrible cursing and Swearing he went his way and did not stay a Quarter of an hour in the House, but that he left M[r] Bouye, M[r] Bonner, M[r] Stanley & one Sam[ll] Turner a Taylor in his company.

John Stanley being Sworne says that he was in Company
Whitehall with M[r] Cood at the same time with M[r] Kilbourn and does Remember the s[d] words spoke by M[r] Cood which M[r] Kilbourn hath made Oath to and that he had been at Severall other times in his company and alway's heard him talk profusely and after a bantering sort of manner.

His Exncys Remark abt Coll: Cood &cca

His Exncy is pleased to Remark from the Severall foregoeing Depositions and does Appeal to the whole Assembly and Countrey, whether or no excessive drinking, Blasphemous lewd talking cursing and swearing has not been the sd Coods constant manner and practice. Lib. H. D.

That the Reasons which ffirst induced his Exncy not to Administer the Oaths to the sd Mr Cood, whereby he might be qualifyed to sit in the House of Burgesses was by reason of his being a Priest, but how disingenious he proved in the thing is left to all mens considerations when by denying his Priesthood, he put the House upon the proofe thereof, and that when he was admitted he openly told them he was a Priest, and after he had kept the Countrey ffive days abt that Dispute at very great Costs and Expences, he at last perceiving how it was like to goe with him, pretended that his wife was sick and desired leave of the House to goe home.

October the 7th 1696.

The Councill again Sate and were prsent as before except Coll: Jowles. Whitehall

a Lre abt the death of the Governr of Barbadoes

Read a Letter by his Exncy Recd from the honrble ffrancis Bond Esq President of his Mats honrble Councill of Barbadoes Dated the 27th of August last past, giving an accot of the Death of his Exncy ffrancis Russell Esq Governr of the sd Island, the which was Ordered to be Entered in the Councill Booke.

October the 8th 1696.

The Councill again Sate and were prsent as Yesterday with the Addition of Coll: Jowles.

Mr Geddes appointed reader of all Saints parish

Vpon Representacon and by advice in Councill Ordered tht Mr Andrew Geddes Schole Master this year sent in by the Rt honrble & Rt Reverend the Lord Bishop of London be admitted by the Vestrymen of all Saints parish in Calvert County to Officiate there as Reader untill further Ordr and tht he be paid out of the 40ll Tobo p poll of the sd parish the Sume of Ten thousand pounds of Tobacco p Annum, pursuant to a late Ordinance of Assembly in that behalfe issued, the sd parish consisting of ffive hundred and odd Tythables. Whitehall

Mr Bradley & Mr Tylor appear abt an Ordr of Councill &cca

Came Robert Bradly & Robert Tylor Gentn two of the Justices of prince Georges County in Obedience to a late Summons issued from this Board who being asked the Reason why the Court diso-

Lib. H. D. beyed a late Ordr of Councill Commanding the Justices of each respective County to give their directions to the Constables of the severall hundreds for the taking a New List of Taxables. The sd Bradley says tht he was not any ways knowing thereof
Whitehall nor ever heard the sd Ordr Read. The sd Robert Tyler says that Mr Holiday the Cheif Justice acquainted the Court that
p. 406 there was an Ordr of the Govr and Councill for taking a New list of Taxables but he Aded that the Lists had been taken already pursuant to the directions of the Law and thereupon Ordered the Clerk for to Enter an Ordr that no such ordr of their Cort should issue; Whereupon Mr Cooper did Enter such an Ordr without any Debate or Consent of the rest of the Commrs—They are Ordered to withdraw and after some con-
Whitehall sultacon thereon had, being called in again, they are told that this being the first fault and considering the Originall Cause of disobeying that Ordr proceeded from the sd Mr Holliday, they were dismissed with a Caution to have a Care how they Offended in the like Nature again.

Octobr the 9th 1696.

Justices of Prince Georg's County Excuse & pardon abt an Ordr of Councill

Came and appeared Mr Thomas Holiday, Mr William Barton Mr David Small & Mr John White ffour more of the Commrs of Prince Georges County pursuant to summons—They are asked the Reason why they disobeyed a late Ordr of his Excy relating to the constables taking a New list of Taxables who for answer say tht they find they have been in an Error, for wch they are very Sorry & do humbly beg pardon; and in particular Mr Holliday does say that he understanding that he was Represented the only refractory person in causing the sd Ordr of his Excy to be disobeyed, but does averr that all the rest of the Justices which were then upon the Bench did Assent and give their Opinion in the matter as well as himself wch he says the rest of the Justices now prsent can affirm, who doe affirm the same to be true. They are Ordered to withdraw and the matter being consulted they are called in again
Whitehall and are told, that having taken into consideration their Submission and acknowledgmt of their fault they are Excused for this time (not for that there are a great many Offenders) but with this Caution that they have a Care how they Offend in the like nature again. Mr Hutchinson the other Commrs not appearing to make his Excuse is Ordered to be dismissed from the Authority of a Justice of peace and he is hereby accordingly dismissed; but this Board not being willing to put the County to the charge of a new Commission, doe Ordr the other seaven to Officiate at prsent by the old Commission.

Ordr to Mr. Plater abt Twenty pds to be paid to Mr Collyer &cca

Ordered that George Plater Esq his Mats Receiver Genll pay unto Mr Thomas Collyer riding Surveyor on the Eastern Shore the Summe of Twenty pounds Sterl out of the ffines and fforfeitures arising and becoming due within this Province being so much by Commission (bearing date the 22d of August 1695) allowed him yearly for Executing the sd place of Riding Surveyor Lib. H. D. Whitehall

Ordr abt Twelve pounds Sterl to be pd to Mr Peirce.

Ordered that the sd George Plater Esq do likewise pay unto Mr Danll Peirce riding Surveyor of Cæcill County the Sume allowed him yearly for Executing the sd place, as by Commission bearing date the 5th day of march last past does appear.

Ordered tht the Justices of the provll Court and Lawyers thereto belonging be Summoned to appear at this Board to morrow morning in Ordr to consult the most convenient time to adjourn the sd Court to. Whitehall

October the 9th 1696.

The Councill again Sate and were presents as before.

The Justices and Lawyers pursuant to Summons yesterday doe according appear, and the appearance Dockett being produced and inspected, whereby was found to be abt 120 appearances, it is therefore adjudged that there will be an absolute necessity for having another Court in December next without wch severall persons will be fforced to goe without their Debts this year; and the same was concluded on accordingly. p. 407 Whitehall

Ordr to the Justices of the provll & the severall County Courts to ffinish all business &cca

Vpon Representation and by advice in Councill, Ordered that the Justices of the provinciall and of the Severall County Courts within this province omitt not to ffinish all business whatsoever depending before them, Vizt. The Justices of the provll (this Court) and the County Court Justices in Novr Court next, considering the latter have now power to appoint (upon Occasion) a Clerk and Clerk of the Indictms by a late Ordinance of Assembly it being deemed by this Board that delay of Justice is in Effect as bad as denying thereof, and tht it is apparently the worse both for Plantiffe & Deft and it is hereby further Ordered that it be Certified from the Justices undr the severall Clerks hands that all business has been ffinished this and the sd November Court, pursuant to this Ordr and it is Observed to the Justices that it

Lib. H. D. having pleased Almighty God of his infinite goodness to send a Seasonable year whereby great Crops of Corn and Tobacco are likely to be made and that it is a good Mast year, So that the people indebted can Never pay their debts in a better time.

This Board does further Strictly charge all the Magistrates & Justices of this Province in generall (in his Ma^{ts} name and as they will answer it at the day of Judgm^{t}) that they see all the Laws put in strict Execution especially ag^{t} Sabath breaking, Blasphemy, cursing, Swearing, drunkkenness; and Ag^{t} Whitehall known Adulterers, ffornicato^{rs} and persons that have two wives; but more especially that they take care to punish such Offences as they are Eye and Ear witnesses of. And it appearing by the Prov^{ll} Court dockett inspected by his Ex^{ncy} and Councill this morning that there are ab^{t} 120 Appearances, so that another Court must shortly necessarily be held before the ffleet goes out, otherwise a great many persons are likely to goe without their debts this year therefore it is considered By this Board that the prov^{ll} Court be adjourn'd untill the ffirst Tuesday in Decemb^{r} next, hereby directing that the same be adjourned accordingly, it being always his Ex^{ncys} intent that Speedy Justice should be done to all persons in this province, and does hope for the future for to bring matters so to bear as to have business goe through all the Courts of the province within the compass of a Twelmonth & for the Courts to be more Early: This is further to give Notice that the Court of Chancery will be held likewise in December next and the Commissaries Office and the Govern^{t} and Councill will also then sitt to hear Appeals and Writts of Erro^{r} the severall Sherriffs of the Province being directed to publish this Ord^{r}

Ord^{r} abt ffive of the Councills Meeting &c^{ca} Ordered that ffive only of the Gentlemen of the Councill living on this side the Bay and nearest to this place have Notice to Meet in December next, by reason of the Winter Weather & difficulty of passing the Bay at that time.

Whitehall p. 408 Ord^{r} abt the Man of Wars Gunner to be pd out of the Quarter part of the Revenue Ordered that the Man of Warrs Gunner be paid out of the quarter part of the Revenue for ffixing the ffusees.

Vpon Complaint of George Lingan Adm^{r} of John Abington dec^{d} the following precept was by Ord^{r} (& by Advice of his Ma^{ts} Attorney & Solicito^{r} Gen^{ll} thereon had) issued; Viz^{t}

Precept abt Craufords Adm^{r}con &c^{ca} Whereas George Lingan high Sherriff of Calvert County Gentl Adm^{r} of the goods & Chattels of John

for Surrendr of his papers to Mr Lingan Present Admr of Abbingtons Estate

Abington late of the sd County Mercht decd: hath before his Excncy in Councill made Complaint that for want of procureing the Books papers and Writings (belonging to the Estate) out of Mr Crauford's hands the former Admr the Estate will be much wasted & damnifyed by means of the Tobo debts lying still uncollected and like to remain so this year, unless Speedy Relief therein is had; And fforasmuch as the Commissary Genll having Certifyed to this Board that it was Ordered & Decreed by a Cort of Commission of Review that the sd Mr James Crauford should render his Accot of his Admrcon of the sd Estate to the Commissary Genll with all convenient Speed, & tht pursuant thereto severall Citations have issued out commanding him to doe the Same, but hath not complyed therewith for which Contempt an Attachmt hath issued agt his body to bring him to Answer the sd Contempt, but tht return is made tht they cannot have his body before the sd Judge for that he languishes of a Sore and Grievious distemper of body wch would hazard his life so to doe; Ordered therefore tht one of the Coronrs of the said County living nearest to the sd Crauford do (upon Sight hereof Repair to the House of the sd Crauford & Command him to send his sd Accot into the Commissaries Office, and if he cannot appear in person to pass the same, that he give power to his procurator to pass the same on his behalfe, and if he refuses so to do, that then you Seize all his papers, Bookes & Accots belonging to the Estate of the sd John Abington and make return of them unto the Commissary Genll at the port of Annapolis together with this Ordr with all Speed, who is hereby Required to see Speedy Justice done & put a ffinal End to that Affair. Lib. H. D.

Capt Hills denyall of the Navll Officers place.

Capt Richd Hill being called for, made his appearance who was told that Some time ago he had been dismissed by his Excncy from the place of Navll Officer and Justice of the provll Court for some Reasons occasioned by his own talke, by saying that he was discouraged in his Office, but was pleased now to tell him that if he had anything to say in Excuse for himself he would doe well to Speake it and the thing might perhaps be considered, who thereupon does say, that he is very sorry that he should be so unfortunate as to incurr his Excncies displeasure by any words Uttered or Spoke by him, but withal says that he thinks himself unqualified for that place of a Navall Officer.

Presented by the honrble Sr Thomas Laurence Barront Secretary to the Board a certain Paper containing matter of complaint agt Wm Hemsley of Talbot County which was read as followes, Vizt

Lib. H. D. p. 409

The State of the Case between S^r Thomas Laurence Secretary of the province and M^r William Hemsley of Talbott County.

Humbly represented to his Ex^ncy in Council.

S^r Thomas Complaint agt Wm Hemsley abt the Land Records &cca

S^r Thomas Laurence being his Ma^ts Secretary of this Province, and by Virtue of his Office being intrusted with the keeping of all the Records belonging to the Land Office, Brought an Action ag^t the s^d William Hemsley in the year 1694 for that the s^d Hemsley in the time of the Revolution and before the Government was Setled by his Ma^ty or a Secretary appointed did procure M^r John LLewellin who at that time had the keeping of all the Land Records to make him out Coppys of all the Certificates of all the Lands which from the begining of the seating of this Province to that time had been layd out and Surveyed in that County by which means the s^d Hemsley has in a manner wholly cut off the Legall perquisites of the s^d S^r Thomas his Office and takes to himself the proffits thereof in Talbot County, & breeds continuall disturbance and contention between his Ma^ts Subjects who have Lands in the s^d County; upon w^ch Action the s^d S^r Thomas obtained a Verdict against the s^d Hemsley, ffor that the damage be sustained and the great strife that was thereby fomented between the inhabitants did plainly appear both to the Court and Jury.

But fforasmuch as by the s^d Verdict, nor any Judgm^t which can be made thereupon the s^d S^r Thomas cannot take away from the s^d Hemsley the Coppys afores^d whereby further mischiefs may be prevented as well to the people of the s^d County as to the s^d S^r Thomas his Office—Therefore the s^d S^r Thomas humbly Requesteth that yo^r Ex^ncy would issue forth an Ord^r for the Surrender of the s^d Coppys as an Act of State for preserving the peace and Quiet of the s^d County or Take such other measures as shall be thought most convenient to relieve all party's injur'd by the s^d Hemleys having the Custody of the Copy's of the s^d Record.

By his Ex^ncy the Govern^r & Councill, Octo. the 9^th 1696.

Ord^r to M^r Attorney & Sollicito^r Gen^ll to make Report

Ordered that the within Peticōn be Referred to M^r Attorney & Solicito^r Gen^ll together with the Deposition hereunto Annex't for them to make Report to this Board, what is best and most proper to be done therein.

Signed p Ord^r Hen: Denton Cl Concil

The which Came Reported as followes, viz[t] Lib. H. D.

To his Ex[ncy] the Govern[r] & Councill &c[ca]

Mr Attorney & Sollicitors Report abt issuing a Warr[t] for the s[d] Records &c[ca]

In Obedience to this Command wee humbly Signifye our Opinion that if it appears that by means of the s[d] Records s[d] Hemsley creates disquiet and trouble to the good people of the County, The Govern[r] and Councill may issue a Warrant for the Seizing the s[d] Records Upon his Refusall to deliver them; The Originall purchase of them being illegall and unwarrantable which is humbly submitted to yo[r] Ex[ncy] by

Yo[r] most obedient Servants
George Plater
Will[m] Dent

The s[d] Hemsley being sent for and the matter fully Debated he is Ordered to consider thereof and to bring an Answer p. 410 thereto in writing to morrow Morning.

ffrancis Nicholson Esq Cap[t] Gen[ll] & Govern[r] in Cheif of his Ma[ts] Province of Maryland.

To of Somerset County.

Blank Commission for a Depty Nav[ll] Officer at the inlet in Somerset County

Whereas by one Act of Parliam[t] made in the 15[th] year of King Charles the Second intituled an Act for the Encouragem[t] of Trade, amongst other things it is Enacted for the better prevention of frauds th[t] all masters and Commanders of Ships & Vessells coming into any Land, Island, Plantation, Colony, Terretories or places belonging to his Ma[ty] his Heirs & Successo[rs] shall make known to the Govern[r] of such Land, Island, plantation &c[ca] or such other person or Officer as shall be by him thereunto Authorized and appointed, in pursuance whereof and for the better Execution of the s[d] Act & other Rules Contained in severall Acts of Parliam[t] relating to the Duty of a Nav[ll] Offic[r] as also the Severall Laws of this Province I do hereby Authorize & appoint you the s[d] to be Dep[ty] Nav[ll] Officer at the Inlet upon the Sea side in the County afores[d] under Maj[r] Rob[t] King Nav[ll] Officer of Pocomoke District within the s[d] province with full power and Authority to Exercise the severall powers therein Contain'd & to observe all such directions as you shall from time to time Receive from the s[d] Maj[r] King, relating to the Duty of the s[d] Office, and all Officers Civill and Military and his Ma[ts] Loving Subjects are hereby desired and Commanded to be Aiding and Assisting to you the s[d] in the Execution of yo[r] s[d] Office, you having first taken a

Lib. H. D. proper Oath for the same and the Oaths appointed by Act of Parliam^{t} to be taken instead of the Oaths of Allegiance and Supremacy & subscribed to the Test, the which the s^{d} Maj^{r} King is hereby Empowered to Administer as also to take yo^{r} Bond of one thousand pounds and Security for yo^{r} due performance of yo^{r} s^{d} place & saving harmless & indemnifying me the s^{d} ffrancis Nicholson in all Points by reason of this Commission; Given under my hand and Seal at the Port of Annapolis this Ninth day of October in the Eighth year of the Reign of our Soveraign Lord King William the Third &^{ca} Annoq Domini 1696.

ffr: Nicholson

October the 10th 1696.

The Councill again Sate and were p^{r}sent as before.

October the 10th 1696.

The s^{d} L^{t} Coll: Richardson appearing & asking Pardon of his Ex^{ncy} & Councill for his rude behaviour at this Board is thereupon Remitted his s^{d} Offence and Restored as before.

Ord^{r} to the Sherriff of Bal Co. to Sum̄ons M^{r} Hall agt Anthony Drew

Lievten^{t} Coll Richardson comes and informs this Board how that one Anthony Drew of Baltemore County did publickly declare in the hearing of M^{r} John Hall and Maj^{r} James Maxwell of the s^{d} County how that it was Treason or petty Treason to draw up a Company of Soldiers in the ffield without a Commission; Whitehall Ordered thereupon that the Sherriffe of the s^{d} County Cause the s^{d} Anthony Drew to be and appear before his Ex^{ncy} in Councill the ffirst Tuseday of December next and that he Sum̄ons M^{r} Hall to be then and there present to give in Evidence &c^{ca}.

M^{r} Hoskins inserted in the prov^{ll} Commission

Vpon producing a New Provinciall Commission, it being Represented that some person wants to be put in the s^{d} Commission instead of M^{r} John Stone Whitehall of Charles County; M^{r} Philip Hoskins of the s^{d} County was by Ord^{r} inserted in his Stead and the s^{d} Commission Signed by his Ex^{ncy} and passed the broad Seal of the province.

The hon^{rble} Thomas Tench Esq^{r} admitted in Councill

Ordered that if the hon^{rble} Thomas Tench Esq has Whitehall ffinished his business in the Commissaries Office in relation to Gov^{r} Copleys Estate, that he be thereupon admitted into the Councill next December Court.

Ordr to the Vestrys to dispose of the 40p poll

Ordered that the Vestrys of the Severall parishes within this Province take care to dispose of the 40p poll (where Ministers are not placed or inducted and where Churches are actually built) for ready Goods, Money or bills of Exchange pursuant to fformer Ordr Tobo being a good comodity this Year; and that the Church Yards be pail'd pursuant to the late Ordinance of Assembly the Sherriffs being hereby directed to give a Copy of this Ordr to the Severall Vestrys within their respective Bayliwicks. Lib. H. D. Whitehall p. 413

Came George Layfield Esq Collector of his Mats Customs in Pocomok District and made Oath to two Accots of the penny p pound. Whitehall

Proposed and Read a Certain Return made by Capt John Oldton Commander of the party of Rangers in Baltemore County, as followes Vizt

Capt Oldton's Return abt his Ranging &ca

An Accot of the Roads that are made back of the inhabitants by the Rangers in Baltemore County North East from the Garrison to the ffirst Cabbin ffifteen miles, North East to the second Cabin ffifteen miles or thereabouts then ten miles further the same course to another Cabin on the North Side of Deer Creek; likewise from the Garrison to a Cabin between Judwins ffalls & the main ffalls of Patapsco a West Course ten miles, then with a West Course to the maine ffalls of Patapsco Ten miles more, which sd Road being marked & duly and weekly Ranged by me and my Leveten[t] according to the Ordr of Councill from yor Excncys humble Servt to Command

John Oldton

[Letter from Commissioners of Customs.]

Sr

By Lre of the 25th of March last from Mr Pat Mein Surveyor Genll at Jamaica We are informed that the Ship Expectation John Tench Mastr from Maryland had discharged at Carasoa sixty hhds of Tobo & tht Jackson the Owner dyed there being an inhabitant of Talbot County within the prcinct of Patuxen River and it being a generall practice & abuse of Conveying Tobo Sugars & Indico from his Mats Plantations to this Dutch ffactory which gives countenance & Encouragemt therevnto We desire you will Endeavour to prvent the same within yor Governmt And in the mean time to give Ordr that the Bond taken in Maryland for the sd Ship be effectually prosecuted for the punishmt of this abuse, We are

Custom house London,
10th June 1695.

Yor very humble Servants
P. Ward
C. Godolphin
Walter Yonge
Ja: Chadwicke

Governr Maryland.

Lib. H. D. Came Mr. Hemsley pursuant to the Ordr yesterday and prsented the following Answer to the Board, Vizt

Annapolis, October the 10th, 1696

Mr Hemsleys Answer abt Books & papers wch he purchas'd of Mr Llewellin.

May it Please your Excncy

In Obedience to yor Excncys Especiall Command, I humbly Certifye to your Excncy that as to those Books and Papers which I purchased of Mr Llewellin were designed for no other Use, than for my own Private Satisfaction, I further Humbly Certifye to yor Excncys that those papers or bookes which I bought that now there is noe such thing in Nature, And that there now Only Remains with me two collections which I made before the Purchase all wch I testifye Under my hand and am your Excncys humble and obedient Servant

Wm Hemsley

Ordr referred to the Attr & Sollicitor Genll

Ordered that the same be Referred to Mr Attorney & Sollicitor Genll for them to Return their Opinions thereon to this Board with all convenient Speed.

Ordr abt Mr Lewellins Selling a copy of all certificates in Talbot Co:

Ordered that it be Referred to Mr Attorney and Sollicitor Genll whether Mr John LLewellins selling a Copy of all the Certificates for Land in Talbot County, was an illegall Act or not, And that they make Report thereof to this Board with all Speed, and whether he ought not to be prosecuted upon the Kings Accot

Sr Thomas's Representacon abt a Seal for Prince Georges County

It being Represented by the honrble Sr Thomas Laurence Barront Secretary that the Justices of Prince Georges County have Applyed themselves to him for a Seal for the sd County, being a New Erected County; Ordered thereupon that a Seal be provided accordingly, at the charge of the sd County; and that Whitehall Mr Charles Beckweth of Petuxant be imployed abt it, and that in the interim they make Use of the Private Seal belonging to the Cheif Justice of the sd Court.

Ordr abt the Clerks returning the severall Co: Leavys & Vestry proceedings &cca

Ordered that the Clerks of the Severall County Courts and Vestrys make Return of their County Leavys and Vestry proceedings next December Court, and so from that time Annually pursuant to the late Act of Assembly, and tht the Sherriffs give them notice thereof.

Produced and Read the following motion of the honrble Sr Thomas Laurence Barront Secretary, Vizt Lib. H. D. Whitehall

Sr Thomas Laurence humbly moveth yor Excy and this honrble Board.

Motion of Sr Thomas abt his Mats Ordr in Councill

That Whereas his Mats Ordr in Councill of the 13th of ffebry 1695, and which was Recorded in the Councill Book May the 20th 1696, hath setled the Land Office in this Province, a Publick notification thereof may be made that all Patents which have been passed since the coming in of the sd Ordr of Councill may be Recorded in the Secretaries Office and that Coll: Henry Darnall & Mr Carroll may be cautiond not to deliver any Patents to the Parties concern'd till they have been Recorded in the sd Office according to his Mats Ordr Whitehall

Thomas Laurence

The which was by Ordr indorsed as followes, Vizt .

By his Excy the Governr and Councill &cca p. 411

October the 9th 1696. Whitehall

Ordered that the within matter be Referred to Mr Attorney & Sollicitor Genll for them to make Report what is proper to be done therein, Referring them to Consult his Mats Royall Ordr in Councill.

Signed p Ordr Hen: Denton C. Concil.

The Report thereon followes, Vizt

Mr Attorney & Sollicitor Genll Report upon the Ordr of Councill &cca

To his Excy in Councill.

I am humbly of Opinion that the properest Method to be taken is by a Proclamation to Notifye to all persons what places their Patents are to be Recorded in; and also a precept to my Lords Agent &cca not to deliver any Patents till they be Recorded in the Secretaries Office as his Mats Ordr directs, which is humbly Submitted to yor Excy by

Yor most obedient Servts

George Plater Whitehall

Wm Dent

Ordered that a Proclamation and precept issue accordingly.

Maryland ss

Mr Denton's Navll Officrs Bond &ca p. 56

Know all men by these prsents that We Henry Denton and Charles Carroll of the Province of Maryland afores^d Gentl. are holden and ffirmly

Lib. H. D. bound unto his Ex^ncy ffrancis Nicholson Esq his Ma^ts Cap^t Gen^ll & Cheif Govern^r of this Province in the ffull and Just sum of One Thousand pounds of lawfull money of England to be paid to the s^d ffrancis Nicholson Esq his Ex^rs Adm^rs or Assignes to the w^ch paym^t well and truly to be made we bind our Selves & Either of Us by himself our & Either of our heirs Ex^rs & Adm^rs Jointly & Severally for the whole and in the whole ffirmly by these p^rsents witness our hands and Seals this Tenth day of Octo. 1696.

The Condicōn of this Obligacōn is such that whereas his Ex^ncy ffrancis Nicholson Esq afores^d hath Commissionated and appointed the s^d Henry Denton to be Navall Officer of the Port of Annapolis within the s^d Province by his Commission bearing Equall date with these p^rsents, Now if the s^d Henry Denton shall well and truly perform the s^d Office, according to the severall Acts of Parliam^t in th^t Case made and provided & shall observe the directions contained in the Acts of Assembly of this Province relating to the Duty of Nav^ll Officers & from time to time Save defend and keep harmless the s^d ffrancis Nicholson Esq from all damage loss and charges that he the s^d ffrancis Nicholson Esq shall sustain at any time by reason of the s^d Dentons non performance of his s^d Office (so long as he shall Enjoy the Same) as is in the s^d Severall Laws Enacted and Ordained Then the above Obligacōn to be void & of none Effect otherwise to be & remain in full force & Virtue.

Sealed & deliv^rd in p^rsence off. Hen: Denton (Seal)
Thomas Laurance Char: Carroll (Seal)
Edw^d Boothby

Maryland: ss

Mr Dents Navll Officers Bond &ca

Know all men by these p^rsents that we Will^m Dent and Edward Boothby of the Province of Maryland Gentl. are holden and ffirmly bound unto his Ex^ncy ffrancis Nicholson Esq his Ma^ts Cap^t Gen^ll & Cheif Govern^r of this Province in the ffull & Just Sum of One Thousand pounds of Lawfull money of England to be paid to the s^d ffrancis Nicholson Esq his Ex^rs Adm^rs or Assignes to the which paym^t well & truly to be made We bind our Selves and either of us by himself our & either of our heirs Ex^rs & Adm^rs Jointly and Severally for the whole & in the whole ffirmly by these p^rsents, Witness our hands and Seals Octo. 10^th 1696.

The Condicōn of the above written Obligacōn is such that whereas his Ex^ncy ffrancis Nicholson Esq afords^d hath Commissionated and appointed the s^d W^m Dent to be Navall Officer for Potomack River within the s^d Province by his Commission

bearing Equall date with these p[r]sents Now if the s[d] W[m] Dent Shall well and truly perform the s[d] Office according to the Severall Acts of Parliam[t] in that Case made and provided and shall observe the directions contained in the Acts of Assembly of this Province relating to the Duty of Navall Officers and from time to time Save Defend and keep harmless the s[d] ffrancis Nicholson Esq from all Damage Loss and Charges that he the s[d] ffrancis Nicholson shall Sustain at any time by reason of the s[d] Dents non performance of his s[d] Office (so long as he shall Enjoy the Same) as in the s[d] Severall Laws is Enacted & ordained, Then the above Obligac$\bar{o}$n to be void and of none Effect Otherwise to remain in full force and Virtue. Lib. H. D. p. 57

Sealed & deliver'd in the p[r]sence of Us.
Thomas Laurence
George Plater

W[m] Dent (Seal)
Edw[d] Boothby (Seal)

Octo. the 2[d] 1696.

Maj[r] John Thompson.

Mr Smithson Note to Mr Thompson to pay One hund[d] pds to Coll Herman

Pay unto Coll: Casparus Herman the Sum of One hundred pounds take his receipt in part of two hundred & ffifteen Pounds six Shill[s] & Eight pence Ordered him in my hands by the Assembly make good paym[t] & take in this Noate and you shall have Creditt for the same upon yo[r] Acco[t]

To Maj[r] Jn[o] Thompson Navl[l] Officer at Sassafrax

Tho[s] Smithson Treasurer on the Eastern Shore.

October the 12[th] 1696.

The Councill again Sate and were p[r]sent as before.

Ord[r] abt p[r]sons not Coming in bad weather

Ordered that what persons as shall be Summoned out of any of the Counties on the Eastern Shore to Serve as Grand Jury men next December Court to be held at the port of Annapolis &c[ca] that if by chance they meet with such bad weather after their Setting out as that they Cannot reach to be here by the ffirst day of the s[d] Court, Whitehall that then they Return back again & doe not Come, for that their places (upon such Accidents will be Supplyed out of the other Counties, whereof the Sherriffs are to Give Notice to the s[d] Persons accordingly.

Came Maj[r] Robert King Nav[ll] Officer of Pocomoke District, Whitehall who made Oath to his collection of the 1[s] p hhd. amounting to the Sume of 37[ll] 14[s] 04[d] Sterl.

Lib. H. D. Whitehall

Came Mr Philip Clark Navll Officer of Potomock District who made Oath to his Collection of the 1s p hhd amounting to the Sume of 101ll 18s 06d Sterl.

Came George Plater Esq Collector & Receiver of Petuxant District who made Oath to his Collection of the 1s p hhd amounting to the Sume of 358ll 13s 00d Sterl.

Ordr to the Collectors & Navll Officrs to pay his Exncys dues &cca

Whitehall

Ordered that they Severally pay unto his Excy the Governr three ffourth parts of the sd Impost, pursuant to his Mats Royall Instructions for the Same; as also the Additionall Duty of 3d p hhd. by them collected and by Act of Assembly Setled upon his Excy for which Warrts accordingly issued and were Signed by his Excy Vizt

	ll	s	d
One Warrt directed to Majr Robert King for paymt of the three fourths parts amounting to	28	05	09
One other Warrant to Ditto for paymt of the Additional 3s p hhd. amounting to	09	08	07
p. 414 One Warrant directed to Mr Philip Clark for paymt of the three fourth parts amounting to	76	08	10½
One other Warrant to Ditto for paymt of the Additionall 3s p hhd. amounting to 39ll : 02s : 03d part whereof was for 1090 hhds brought from Virga the quartr pt of the 1s p hhd collected, amounting to the Sume of	25	09	07½
One Warrant directed to George Plater Esq for paymt of the three fourth parts amounting to	268	19	09
One other Warrant to Ditto for paymt of the additionall 3s p hhd amounting to	089	13	03

Ordr abt the Quarter part of the Revenues in Mr Platers hand &cca

Whitehall

Ordered tht the Ballance of the Quarter part of last Years Revenue remaining still in Mr Platers hands amounting to the Sume of 134ll : 07s : 09d : ¾ Sterl. as also the Quarter part of this Years Revenue now made up amounting to the Sume of 124 : 11 : 05 : ½ Sterl sterl be appropriated to the ffurnishing the Arms &cca for the Use of this Province, according as his Mats Royall Instructions doe direct.

Arms &cca now to be sent for, Vizt

Arms to be sent for out of the Quartr part of the Revenue &cca

Two hand mortars more, 40: Granado Shells, 100: ffusees, with proper wadding and directions how to Vse them; and if there be any instrumts necessary for setting of them, that One for Each County be sent in.

Six powder tryars more, six Lanthorns, six brass Cumpasses, six horse pickers six perspective Glasses. Lib. H. D.

Twelve Molds for Musket, Carabin & Pistoll Bullets.

Twelve Worms, Twelve Sockets, Twelve budge barrells to Carry powder in.

ffifty hand Bills. Whitehall

That the Rest of the Money be laid out in Granadoes Arms for foot, Viz^{t} Slung ffusees Sanguin'd or otherwise fited the best way to keep them from Rust with Cartouch boxes & hatchets answerable.

Ord^{r} abt the 3^{s} p hhd to be towards building the Church at Annapolis.

Whereas by a late Ordinance of Assembly it is directed that the impost of 3^{s} ꝑ hh^{d} upon Tobacco due to the Countrey shall (for and dureing the continuance of one whole year) be appropriated for and towards building a Church at Annapolis & paid to his Ex^{ncy} for that Vse; Ordered therefore that those Offic^{rs} Collecting the other Duties, due & payable to his Ex^{ncy} doe at the same time include the s^{d} Additionall Duty of 3^{s} ꝑ hhd in his Ex^{ncys} Bills, but that (for their own Security and Satisfaction of the Countrey) they keep an Exact Acco^{t} thereof for which his Ex^{ncy} will be Answerable & accountable to the Countrey accordingly. Whitehall

Vpon Representacō̄; Ordered that a Commission issue to Constitute M^{r} Philip Brisco of Charles County to be one of the Coroners of the s^{d} County. Whitehall

Presented to the Board by the hon^{rble} Coll: David Brown the following Paper w^{ch} was Read as followes, Viz^{t}

Port of Annapolis the 10th of Octo.

Coll: Browns complaint agt Sam Worthington

May it Please yo^{r} Ex^{ncy}

David Brown complaining Saith that Sam^{ll} Worthington (for Some unknown Reasons to me) intercepted as was thought the Military address for our County to be Signed, dayly expecting the same to have come through my hand, at last was brought by Sam^{ll} Worthington who in great hast commanded its Signment & accordingly was done, Supposing That he might have Some Ord^{r} from a Comand^{r} to see the same perfected. But after a long time Came W^{m} Bozman Subsheriff & told me he had the Address I told him had Signed it Some weeks passed & if notwithstanding Sam: had put a trick upon some person, yet if the 5th of Nov^{r} Signing (if fairer weather) that the Northren Officers could meet I would (notwithstanding Sam: many former Affronts with this) do what then would be done in the mean time do with it according as he had begune &c^{ca} The above^{s} Sam: in p. 415

Lib. H. D. all places publick & private speaketh undervaluing of me not beseeming him to yo^r

Ex^ncys humble Serv^t
David Browne

Test John West Rob^t Pery Tho: Jones Jn^o Strawbridge

Humbly craving Samuell Worthington be Suspended from his Office of Att^r (informacōn may be suggested a barrato^r) & also from any other place.

Ord^r for Severall p^rsons Sum̄ons &c^ca by the Shrrff of Ann Arr^ll

Ordered that M^r John West, Rob^t Pery, Thomas Jones, & John Strawbridge be by the Sheriff of Ann Arrundell County immediately Sum̄on'd to appear at this Board to Answer to such questions as shall be proposed to them, whereof they are not to fail & let him have here this Sum̄ons.

The Sheriff pursuant thereto Came and made Return that he had Sum̄ond the above mention'd parties who accordingly made their appearance and were Ordered Severally to give their Depositions before one of his Ma^ts Justices of the provinciall Court in relacōn to the matter & th^t afterwards the s^d Depositions & aforemention'd paper be Referred to M^r Att^r and Sollicito^r Gen^ll for them to make Report thereon with all convenient Speed.

His Ex^ncy is pleased to Demand of the Board if there be anything further (at p^rsent) to be Offered in Councill who say there is not.

October the 12^th 1696.

Ord^r for a Proclamacōn to issue &c^ca

Produced a Proclamation prepared pursuant thereto which was read and approved off & Signed by his Ex^ncy and passed the Broad Seal of the Province, the Tenor whereof followes in these Words, Viz^t

By his Ex^ncy the Cap^t Gen^ll

A

Proclamation

Proclamacōn abt S^r Thomas's Land Office

Maryland: ss

Whereas by his ma^ts Royall Ord^r in Councill of the 13^th of ffeb^ry Anno 1695 and produced & Read to and by his Ma^ts hon^rble Councill here the 20^th of may last past, it is Signifyed and declared that the Land Office of this Province is in the R^t of the hon^rble S^r Thomas Laurence Barron^t Secretary and that the Records thereof are alone proper to be kept by him &c^ca And fforasmuch as for want of a due infor-

Whitehall

mation to be given to the good people of this Province where they ought to Apply themselves for the Recording of their Patents for Land according to his Ma^ts^ pleasure by the afores^d^ Ord^r^ Signifyed; I have (upon application of the s^d^ S^r^ Thomas, by and with the advice of his M^ts^ hon^rble^ Councill and according to the Opinion of M^r^ Attorney and Sollicito^r^ Gen^ll^ therein here had) thought fit to Notifye and make known that his Ma^ts^ s^d^ Ord^r^ directs all Patents for Land to be Recorded in the Land Office among the rest of the Records there now in the Custody of the s^d^ S^r^ Thomas to the End all persons concern'd may make their application accordingly, hereby strictly charging & Commanding the Severall Sherriffs of the Province to publish this in all Church's Chappells and other publick Places of meeting within their respective Counties; Given at the Port of Annapolis under the Broad Seal of the province this 12^th^ day of October in the Eigth year of his Ma^ts^ Reign Anno Domini 1696. Lib. H. D. p. 412

God Save the King. ffr: Nicholson

Ord^r^ abt Patents for Lands &c^a^

Vpon Representacō̄n and by advice in Councill Ordered that noe person for the future imploy'd or Concern'd for the R^t^ hon^rble^ Charles Lord Baron of Baltemore Lord & Prop^ry^ of this Province or his Agent, ab^t^ the issueing out Patents for Land within this Province do p^r^sume to deliver any of the same to the parties concern'd, untill they have been Recorded in the Land Office, among the other Land Records, remaining in the Custody of the hon^rble^ the Secretary according to the directions of his Ma^ts^ Royall Ord^r^ in Councill of the 13^th^ of ffeb^ry^ last past. Whitehall

M^r^ Dent appointed Nav^ll^ Offic^r^ of Potomock

M^r^ W^m^ Dent being appointed Nav^ll^ Officer of Potomoke District, in the Room and Stead of M^r^ Philip Clark Rec^d^ a Commission from his Ex^ncy^ for the Same & at the Same time gave Bond for his due discharge of th^t^ trust.

M^r^ Denton appointed Nav^ll^ Officer of the Port of Annapolis &c^a^

Henry Denton being appointed Nav^ll^ Officer of the Port of Annapolis in the Room and Stead of Cap^t^ Rich^d^ Hill Rec^d^ a Commission from his Ex^ncy^ for the same, having Enter'd into Bond with one Sufficient Security for his due discharge of that trust. Whitehall

The s^d^ Denton makes Oath to two Lists of Shiping & an Acco^t^ in full of what he has been concern'd with as Dep^ty^ Collecto^r^ within this Port.

Lib. H. D. ffrancis Nicholson Esq Cap^{t} Gen^{ll} & Govern^{r} in Cheif in & over his Ma^{ts} Province & Territory of Maryland in America.

A Power granted to Capt Danll & his two Lieutents of the Prince of Orange to take a Privateer.

To Captain Josias Daniell Command^{r} of his Ma^{ts} hired Ship the Prince of Orange (here Riding) and to William Ockman & Isaac Young, Lievten^{ts} of the s^{d} Ship Greeting Whereas I am given to understand & am credibly informed how that a certain Privateer or Pyrat of considerable fforce and number of men doth now lye infesting the Bay of Delaware within his Ma^{ts} Province of Pensilvania to the great disquietude and Damage not only of the inhabitants & others Residing thereabouts, but also of his Ma^{ts} good People within this Province, & more Especially of the Seefaring men trading hither, whereby severall Servants & Saylors have been lately known to Runaway & desert their Masters Service and Ship themselves on board the s^{d} Privateer; And it being adjudged th^{t} it may be to his Ma^{ts} Speciall Service & good of the Countrey th^{t} the s^{d} Privateer be Subdued & Seized, Have therefore thought fit to Authorize and Empower you the s^{d} Cap^{t} Josias Daniell William Ockman and Isaac Young or any of you to pass through this Province (in Ord^{r} to goe to the s^{d} place by Land) with such force of men; Arms and Amunition &^{ca} as you shall think needfull, upon this Occasion; hereby willing and requiring as also Strictly charging & Commanding all Officers Military and Civill within Cæcill County to be Aiding and assisting to you the s^{d} Cap^{t} Daniell W^{m} Ockman & Isaac Younge or any of you with horses and other Suitable Neces-
p. 27 saries for the more Speedy effecting the s^{d} Design; And in case of the s^{d} Privateers Resistance or fflying into yo^{r} County for Refuge, the Colonel thereof & Sherriff are thereupon Straitly Enjoyned to Raise the whole County to Secure them, hereby strictly Commanding & prohibiting all persons from any ways aiding, sheltring, protecting or assisting the s^{d} Privateers or any of them; And th^{t} whosoever shall be found tarde herein be forthwith Seized & sent down to the Port of Annapolis, there to be dealt withall according to Law; for all w^{ch} this shall be Sufficient Power & authority; Given und^{r} the Broad Seal of the Province this 13th day of October in the 8th year of the Reign of our Soveraign Lord King William the Third &^{ca} Annoq Domini 1696.

ffr: Nicholson.

By his Ex^{ncy} the Gov^{r} Octo. the 13th 1696.

About the prizes

This is to Signifye th^{t} by mistake, the Prizes for the Exercises did not come in this year, So th^{t} they

could not be had, but th^t his Ex^ncy designs to have them compleat by the next ffleet, and that any p^rson, either of this Countrey or Virg^a may be ffree to put in for the same, provided he brings a Musket, ffuzee or Carabine, a Sword, Pistolls, Byonet & Cartouch box of his owne & not otherwise, And the Sherriffs are Ordered to give Notice hereof to the End those p^rsons that have a mind to put in, may send for England to provide for themselves accordingly this ffleet, & th^t the Sherriff of S^t Maries Charles, Prince Georges & Somerset Counties give notice of it to Virg^a and withall Signifye that the Prizes will be the same as they were last year & th^t (when please God the Same are Arrived) his Ex^ncy will give publick notice thereof of the time &c^ca Lib. H. D. p. 420

Signed p Ord^r
Hen: Denton C of Concil

Octo. 20^th 1696.

Coll: Hermans Receipt for 100lbs pd by Majr Thompson

Then recd: of Jn° Thompson Nav^ll Officer of Cæcill County the full Sum̄e of One hundred pounds Sterl. in part of two hundred and ffifty Pounds six Shillings & Eight pence by Ord^r of Maj^r Tho^s Smithson I say received

Casp. A. Herman

p witness
Jn° Manthrope

By his Ex^ncy the Govern^r &c^ca
November the 6^th 1696.

Ord^r abt the Attorneys appearance to inspect the Judgm^ts of the Provll Court &c^ca

Vpon Representacōn and Complaint of the hon^rble S^r Thomas Laurence Baron^t Secretary how th^t no Judgm^ts obtained in the prov^ll Co^rt of this Province have been Enter'd up since Nov^r last was a Twelve month; which neglect will inevitably bring great matter of Scandall to the Governm^t besides loss and Damage to all persons therein any ways intrested or Concern'd; Ordered therefore th^t all the Attorneys practicing in that Court, or that have Managed any business there, during th^t time, be and personally appear at the port of Annapolis the ffirst Tuseday of December next in Ord^r to inspect & look after those Judgm^ts wherein they have been concernd; & th^t they Certifye to the Clerk of the Councill of their Receipt of this Ord^r whereof they are in no wise to fail, as they will answer the contrary at their peril. p. 416

Signed p Ord^r
Hen: Denton C of Concil.

Lib. H. D.

By his Exncy the Governr &cca Novr 6th 1696.

Ordr abt Mr Wriothesleys taken in Custody of the Sherriff of Ann Arrll Co

Vpon the Representacōn & Complaint of the honrble Sr Thomas Laurence Baront Secretary agt Mr Henry Wriothesley Cheif Clerk of the provinciall Court of this province how that the sd Wriothesley (without any Reguard to his Office, or to the ffaithfull discharge of that Trust by the sd Sr Thomas, reposed in him) hath carelessly Neglected the Execution of his sd Office in omiting to Enter up the Judgmts process and proceedings had and taken before the Severall Courts held, since Novr last was a Twelmonth, to the great abuse of the Governmt and to the Loss and damage of the Severall persons intrested therein besides the detrimt which may Ensue to the sd Sr Thomas through means thereof; Ordered therefore that the Sherriff of Ann Arrll County do upon Sight hereof take into his Custody the sd Henry Wriothesley so that he suffer him not in any wise to depart or goe from without the Limits of the Town & Port of Annapolis, untill he shall have made up Enter'd and ffinished all manner of Process, proceedings and Judgmts whatsoever passed &cca in that Court dureing his Officiating the aforesd Office; and untill Sr Thomas be Satisfyed of his having so done, whereof the sd Sherriff is not to fail giving due heed to this Ordr as he will Answer the Contrary at his perill.

Signed p Ordr Hen: Denton Cl Concil.

By his Exncy the Governr &cca Novr 14th 1696.

Ordr to the Sherriff of Dorchester Co: to take Mr Sowter into Custody &cca

Whereas Mr Richd Sowter of Dorchestr County Attorney of my Lady Bawden hath been sent to by two or three Expresses to be and appear at the Port of Annapolis in Ordr to Attend a late Audit appointed by the provll Court of this Province betwixt the sd Lady Bawden and Coll Wm Diggs, whereby a finall End might be made thereof, but through means of the sd Sowters non appearance, nothing is yet done therein for wch said neglect and Contempt his Exncy is pleased to Ordr as it is hereby Ordered that the Sherriff of the sd County do (upon Sight hereof) take into his custody the sd Sowter, so tht he send him over undr Safe & Secure conduct unto the port of Annapolis to be here by the ffirst day of December next to answer the sd Contempt &cca and perfect that Affair.

Signed p Ordr
Hen: Denton Cl Concil.

Sent to Majr Cambell.

By his Ex^ncy the Govern^r &c^ca Nov^r the 20^th 1696. Lib. H. D.

Ord^r abt penall Navigacōn Bonds

Whereas diverse Provinciall Writts have been lately issued at the Suit of his Ma^ty (upon penall Navigacōn Bonds ag^t Sundry persons inhabiting and residing within this province) directable to the Sherriffs of the Severall Counties where resident; And fforasmuch as the greatest part of them were by the Severall Sherriffs returned non est inventus at the last Prov^ll Court here held, notwithstanding most of the persons, ag^t whom such Writts were issued are known to goe too & again publickly in the Country about their Necessary Occasions as likewise in their Counties where their habitacōns are, which great neglect & Remissness of the Sherriffs in so weighty affairs (concerning his Ma^ts Service) is likely to bring matter of exceeding Scandall to the Governm^t besides loss & Detrim^t to his Ma^ty Ordered therefore that no Sherriff (for the future) within this province, receiving any precept or Writt wherein his Ma^ty is actually concern'd do p^rsume to make such a Return as a Nonest where the partys to be taken doe actually Reside within his Bayliwick, but that (rather than to fail of his Duty) he Cause the posse of his County to be raised or set a Guard of men to watch the Houses of Such persons so to be taken, under penalty of being displaced & having his Sherriffs bond put in Suit in Ord^r to the paying all such damage as his Ma^ty shall sustain for want of the party or parties being taken And whereas Severall Writts are now by Ord^r renewed & issued ag^t diverse persons upon the aforemention'd penall Bonds the Severall Sherriffs concern'd are to take due care to the prosecution of the same and to give publick Notice in their Counties th^t such persons as Evade being taken by the s^d Writts, So that his Ma^ty cannot obtain Judgmn^t ag^t them this next prov^ll Court must not expect to receive any favour hereafter; his Ex^ncy being Resolved to interceed with his Ma^ty for none Save such ag^t whom such Judgm^ts shall actually pass. p. 417

Signed p Ord^r

Hen: Denton Cl Concil.

By his Ex^ncy the Govern^r &c^ca Nov^r 20^th 1696

Ord^r abt the Privateers taking of cattle from M^r Moll jun^r

Vpon Complaint made by M^r John Moll jun^r how th^t he had lost Some Cattle by the Men belonging to the privateere that lately was in Delaware; Ordered therefore that the Sherriff of Cæcill County make inquiry of the hon^rble James ffrisby Esq^r Coll: Casparus Herman, the County Justices and among the Rest of the inhabitants there, whether any other persons have

Lib. H. D. Rec^{d} damage by them & whether any of the inhabitants of that County are gone away to them, and whether they heard not that the s^{d} Privateere was Come from Carolina & bound to the Red Sea and th^{t} inquiry be made of the Name of the Master and of what behaviour they have generally been since their Coming there a due Return whereof is to be made und^{r} the hand of those th^{t} give any Acco^{t} of the aforemencon'd things & th^{t} M^{r} Molls deposition be taken before some Magistrate to be sent here by the 8th or 10th of Decem. next if possible, or with what convenient Speed you Can.

Signed p Ord^{r}
Hen: Denton C Concil.

p. 418 By his Ex^{ncy} the Govern^{r} &c^{ca} Decem. 1st 1696.

Ord^{r} abt the Church yard at Annapolis

Whereas the Church Yard within the Port of Annapolis is Staked round and that part in particular where the Church is to stand being compassed round with brush; Ordered that no person whatsoever presume either to take away or remove the s^{d} brush from its place, or trample upon or Ride over it, but that they ride round it, under pain and perill that shall fall thereon, & th^{t} no person presume to pull this down from the place it is Affixed to.

Signed p Ord^{r} Hen: Denton Cl Concil

By his Ex^{ncy} the Govern^{r} &c^{ca} Decem 2^{d} 1696.

Severall Recommend-acõns by his Ex^{ncy} to the Justices of the prov^{ll} Court.

It is Represented to the Honrd the Justices of the provinciall Court how th^{t} upon a late Complaint of the hon^{rble} S^{r} Thomas Laurence Baron^{t} Secretary of this Province in Relation to M^{r} Henry Wriothesley Chief Clerk of the s^{d} Court Setting forth th^{t} no Judgm^{ts} (there passed) had by him been Entred up since Nov^{r} last was a Twelmonth; upon which his Ex^{ncy} upon further Examination into the matter thought it absolutely necessary for his Ma^{ts} Service and the Good of the Countrey to put the s^{d} Wriothesley into the Custody of the Sherriff of Ann Arrundell County, with caution not to Suffer him to go from without the Limits of the Town untill he had perfected and made up his s^{d} Records &c^{ca} with Ord^{r} likewise to the Severall provinciall Court Attorneys for their personall appearance at this Court in Ord^{r} to inspect that matter & particularly those judgm^{ts} wherein they have been actually concern'd as by the respective Ord^{rs} remaining with the high Sherriff and the Severall Attorneys may more at large appear—It is now thought Expedient that the s^{d} Wriothesley

be Surrendered up to the hon^rd his Ma^ts Justices in Court now sitting to whom it is hereby Recommended & Ordered th^t such speedy methods be Used & care taken as they shall see requisite on this occasion; and that for the future (for prevention of a like Evill) a Rule of Court be made (if legall and proper to be done) for to Oblige the Clerk constantly to write out fair every night the Minutes or heads of every days proceedings by him to be Attested and Read over always the next morning and afterwards delivered to the Cheif Justice for his Keeping—And it is further Represented that a Representacōn be made unto his Ex^ncy what Clerks they think are Requisite and Necessary to be kept in the Secretaryes Office for the due Execution and dispatch of all business thither coming to the End such Ord^r therein may be made as is fitting. Lib. H. D.

And it is further Recommended that the two Prov^ll Justices living in Ann Arrundell County be appointed to come to Town one Week or ffortnight as it shall be agreed upon by turns for to see the s^d Judgm^ts Enter'd & th^t it be Recommended to the Assembly that an allowance be made them for their trouble therein.

It is also further Recommended th^t a Rule of Court be made for their Sitting every day by nine of the Clock in the morning and so to continue Sitting untill four in the Afternoon and that the Justices Lawyers & other p^rson Obliged to tend the Court, th^t do not come according to the time appointed be fined without Excuse.

Signed p Ord^r
Hen: Denton C. Concil.

Gov. ffletchers L^re ab^t the ffive Nations of Indians.

Sr. I thank your Ex^ncy for the care you had of the Packetts. I have mett the Sachems of the ffive nations & done my endeavour to Confirm & Strengthen them in their ffriendship the inclosed print will give you particulars.

I have intelligence the ffrench Govern^r intends to Attack Albany this Winter & has recruites from ffrance which was confirmed by Cap^t Paxton who some time agoe was prison^r on Board a ffrench Man of Warr and did learn that Count ffrontiniack had such Commands from the ffrench King. A Party consisting of 21 ffrench & one Indian were sent from Mount Reall with Commission to doe all the mischief they Could against the English and Indians of this Province their Instructions was if possible to gett prisoners and intelligence 13 of them lately appeared near Albany and were encountered by River Indians who beat them the Cap^t wounded and two

p. 28

Lib. H. D. more did Surrend^{r} (the Cap^{t} since dead) A party of Christians and Indians commanded out from Albany to the great lake cutt of their Retreat distroyed their Cannoes & meeting seven whereof the Indian Guide one cut them all to peices & brought in their scalps. I think it needfull for me to Reside at Albany this winter and am this day to imbarque I can have no Assistance from the Neighbouring Provinces I shall doe my Utmost endeavours and hope God will give a blessing I am S^{r} Yo^{r} Ex^{ncys} most humble Servant

N York Ben ffletcher

Novem^{ber} 10th 1696.

An Acco^{t} of the Severall persons within this province of Maryland, th^{t} Signed to the Association Address presented to his Sacred Ma^{ty} upon the News here Arriv'd of the horrible intended Conspiracy ag^{t} his Royall p^{r}son,

The Tenor of the s^{d} Address followes in these words, Viz^{t}

Maryland ss.

The humble and Loyall Address of yo^{r} Ma^{ts} Subjects the in yo^{r} Ma^{ts} Province of

Maryland.

Dread Soveraign

Tis the Remoteness of our habitations and not the less fervency of our Affections which makes Us (perhaps) later then others in Addressing yo^{r} Ma^{ty} and Joyning with the rest of yo^{r} Loyall Subjects in Congratulating yo^{r} deliverance from the horrid designed Assassination against yo^{r} Sacred person for w^{ch} we magnifye Gods mercy and acknowledge his providence Looking upon all Engaged therein, as prodigious monsters of ingratitude and Disloyalty who not Content und^{r} yo^{r} Ma^{ts} most Serene Governm^{t} to Enjoy their proportion of Advantages purchased to yo^{r} Subjects by the Toyl and hazard of yo^{r} Sacred Person Endeavoured to prostitute them to fforreign Vassalage and Tyranny, It is mannifest our Enemies Dispair of p^{r}vailing ag^{t} Us und^{r} yo^{r} Ma^{ts} inimitable Conduct which made them attempt by one Single Stroake Levelled at yo^{r} Ma^{ts} person not only to wound and weaken all English hearts, but all Europe in Confederacy with yo^{r} Ma^{ty} We all therefore in this our lower Station Desiring to Demonstrate our Selves Loyall Subjects to yo^{r} Ma^{ty} and true English men by Concurring with our good patriotts in the Parliam^{t} of England in their Just Resentments of soe flagicious a

design doe with th^m^ heartily Sincerely & Solemnly proffess Lib. H. D.
Testifye & declare that yo^r^ Ma^ty^ is rightfull & lawfull King
of the Realm of England & all the Dominions thereunto
belonging And we doe mutually promise & Engage to Stand
by & Assist Each other to the Utmost of our power in the
Support and Defence of yo^r^ Ma^ts^ Governm^t^ against the late
King James and all his Adherents According to An Act made p. 29
in the ffirst year of yo^r^ Ma^ty^ and of our late most gracious
Queen Mary of Blessed Memory Entituling an Act declaring
the rights & Liberty's of the Subjects & setling the succession
of the Crown And to the same shall Ever add our Earnest
Prayers th^t^ God would lengthen yo^r^ days and Continue you
among Us in all happiness to the Joy of yo^r^ people and the
Terrour of yo^r^ Enemies; and that yo^r^ Terrestriall Glory here
may be Succeeded by that of Eternity.

Signed by the Justices, Grand Jury, and Clerk of the Prov^ll^ Court.

Robert Smith
John Hammond
Robert King
Will^m^ Hatton
Edw^d^ Jones
John Pollard
Thomas Tasker
Philip Clarke
Philip Hoskins
Tho: Staley
Rich^d^ Hill

Henry Smith
Elias King
Thomas Sprigg
Charles Hemsley
Thomas Stocket
John Bowles
Henry Green
John Marriott
Henry Cox
Edw^d^ Swan
Sam^ll^ Luckett
Henry Norris
Rich^d^ Chambers

Gilbert Patteson
Thomas Preston
Charles Stevens
W^m^ Wilkison
Philip Lynes
John Barratt
Jn^o^ Salter
John West
Arthur Whitely
John Seargeant
John $\frac{\text{his}}{\text{I I}}$ T. baldes
Signe
W^m^ Turner
Philip $\overset{\text{his}}{\text{P.}}$ H. Holedge
Jn^o^ $\overset{\text{sign}}{\text{Wrightson}}$
Sam^ll^ Worthington
James Smith
Thomas Smith
Sam^ll^ Sycamore

Signed by the Civill Officers and Magistrates &c^ca^ of S^t^ Maries County.

Kenelm Cheseldyn
Rich Cloud
John Low
Thomas Waughop
Th: Beale

W Bladen
Edward Greenhalgh
Edw^d^ Lipton
Rich: Gery
Sam^ll^ Able

Robert Mason Sheriffe
Rich^d^ Atloe
Ozias Wills
John Sikes
Isaac Pain

Lib. H. D.

W^m^ Husbands	John Bright	W^m^ Goldthrop
James Keech	Rich Bucket	John Miles
Peter Watts	James Baker	Charles Smith
Dan^ll^ Bell	W^m^ Watts	Roger Tolld
John Smith	James Seamons	John Dunbar
Tym: Tracy	John Horne	Edw^d^ Horne
Justinian Tenison	Edw^d^ Turner	Solomon Jones
John Sanner	James Rubetts	

p. 30 Signed by the Military Officers of S^t^ Maries County.

John Coode	James Seaman
Thomas Ottaway	Timo: his T C. Cane sign
Edw^d^ Greenhalgh	
Thomas Waughop	Thomas Reans
Rederick LLoyd	John Butler
Rich^d^ Atwood	

Signed by the Civell Officers & Magistrates &^ca^ of Kent County.

Jo: Hunter	Will^m^ Hackett	M Miller
Robert Donn	Robert Peacke	Charles Tillden
Thomas Ricod	Nathaniel Wright	Simon Willmore
David Davison	John Hamer	W^m^ ffrisby
Derby Hearn	Nich^o^ Clouds	Jn^o^ Hinson
	John Hurt	Hans Hanson
	John Waett	Thomas Smith
	William Comegust	James Smith
	Thomas Hicks	John Howskins
	Robert Norest	John Whittington
	Rich Scrivener	Phillip Hopkens
	W^m^ Sparkes	Edw^d^ Swetnam

Signed by the Military Officers of Kent County.

Thomas Ringgold	W^m^ Sparkes Jun^r^	John Robinson
Philip Hopkins	W^m^ Hackett	Nich^o^ Hurt
W^m^ Comegys	William Sparkes	George Smith
Elias King	John Sheepard	John Hurt
John Wiatt	John Hamer	Cornelius Ryan
Thomas Ricod	Thomas Wiatt	W^m^ Miller
James Watson	Richard Jagoe	John Hunter
Thomas Coveington	W^m^ Boultlot	John Roberson
W^m^ Price	Thomas fford	Edward Swetnam
John Hawkins	Thomas Green	Charles Stilden
John Whittington	John Whithall	W^m^ Bateman
James Smith	John Loyd	Matt Ward

Sol: Wright
Thomas Beckells
Charles Wright
John Jordan
Gerrard Smith
Henry Green
John Offley
Richard Parnes
Thomas Smith

John Merideth
Thomas Coursey
Edward Rogers
Wm Glanvell
Griffith Jones
Samll Thomas
Hans Hanson

John Wroth
John Chandler
Rice Jones
Robert Ingram
Wm Powell
Isaac Ashley
Edwd Rush
George Worstley
Jonathan Scholling
John Hynson

Lib. H. D.

Signed by the Civell Officers & Magistrates &ca of Ann Arrundell County. p. 31

Ben: Williams
George Weltall
Edwd Mason
Richd Kilbourne
John Hurst
Charles Harrison
Richd Chesher
Joseph Sanders
Wm Bateman
Edwd Lunn
James Parnett
John Madcaff
Stephen Warman
Thomas Reynolds
Wm fforeman

Wm Holland Sherriffe
Thomas Hughs Coronrs
Thomas Odell Cornors
Orlando Greenslade

James Sanders
Wm Holland junr
Nicho Gassoway
Samll Young
Henry Constable
John Worthington
Philip Howard
John Dorsey
Seth Biggs
Henry Denton
Chr: Vernon Clk.

Signed by the Military Officers of Ann Arrundell County.

John Worthington
Nicho Gassoway
George Eager
Richd Clarke
Richd Kirkland
Thomas Smith junr
Hugh Merriken
Bena Williams
Charles Harrison
Richd Warfield
John Peasly
Danll Marsharte
Wm Cock

Matthew Howard
Cornelius Howard
Thomas Browne
Jona Neall
James Loy'd
James Homewood
Humphrey Boone
Richd Snowden Senr
John Dorsey
Philip Howard
Robert Lockwood
Richd Snowden junr
Amos Peirpoint
John Gaitheso
Leynoard Wayman
John Devall

Nicho Greenberry
Edwd Dorsey
John Blackmore
Charles Greenberry
Wm Holland
Tho: Hughs
Wm Horne
Wm Gibbins
Edwd Chapman
Mathias Hughes
Laurence Dryper
Charles Hamond
John Hammond
Henry Hewitt
John Selby
James ffoster

Lib. H. D.

John Somerland
W^m^ Hammond
Thomas Doson
Thomas Odell
Neall Clarke
Dan^ll^ Clarke
Christopher Waters
Thomas Macaly
John Willoby
Thomas Baker
W^m^ Green
John Davis
Thomas Bland.
Stephen Handcock
John Kotrell
Robert Hinwood
Nich^o^ Oldrudge
W^m^ Disney
Richard Waufild
Thomas Green
James Parney
John ffarbrother
John Pallex
Jon^a^ Warren

p. 32 Signed by the Civill Officers and magistrates &c: of Talbot County.

Justices
R. Gouldesborough
Thomas Bowdell
W^m^ Hemsley
Thomas Robins jun^r^
Robert Macklin
Hugh Sherwood

Nich^o^ Lowe Sherriffe
Edward Mann Coroner

Grand Jury.

Vestrymen
John Lillingston
James Clayland
Thomas Robins Sen^r^
John Nedells
ffrancis Chaglin
Vollentine Southerne
Henry Carter
ffrancis Stephens
Alexand^r^ Walters
Edward James
W^m^ Coursey

Signed by the Military Officers of Talbot County.

John Copedge Cap^t^
W^m^ Elett L^t^
Jn^o^ Welse Ensign
Rich Kernston, John Oldson } Serg^ts^
Rob^t^ Blunt, W^m^ Dowlin, George Vinson } Corp^rlls^

Sam^ll^ Martindell Ensign
John Paddison Ensign
Thomas Ball Lieuten^t^
W^m^ Webb Seargeant
David Blorncay L^t^
Nich^o^ Kolley Searg^t^
John Clift Serg^t^
Eman^ll^ Jones Serg^t^
Tho: Earle Searg^t^
Pattrick Dattoleg Serg^t^
W^m^ Jumpe Serg^t^
Timothy Lane Serg^t^
Joseph Genid L^t^
Josias Booth Corpar^ll^
W^m^ Sanders Corporall

George Robotham Co^ll^
Thomas Smithson Maj^r^
John Davis Cap^t^
Nich^o^ Lowe Sherriffe
Rich^d^ Swetnam
John Nedells
James Benson
John Ennexson
Thomas Robins
James Stanford Lievten^t^
Thomas Evans Ensign
John Thrift
Owin Owins Cop^ll^
ffrancis Sutton Corp^ll^

Signed by the Civill Officers and Magistrates &^ca^ of Calvert County.

John Bigger
ffra: Hutchins
W^t Smith
Sam^ll Holdsworth
John Hance
George Lingan Sherriffe
John Elzey Clk:
Hugh Elles Coron^r
Edward Swan
David Hellon
Geo: Parker
Jn° Godsgrace
W^m W^ms jun^r
John Smith
Rob^t Sheppard
Rob^t Hobbes
W^m Hutchins
Darbey Henley
Clarke Skinner
Elvin Rice
W^m W^ms
Tho: Blake
Ignatius Sawell
W^m Hickman Lib. H. D.
Tho: Hinton

Signed by the Military Officers of Calvert County. p. 33

Henry Mitchell
John Bigger
W^t Smith
ffrancis Mauldin
W^m Parker
Thomas Blake
Robert Skinner
Hugh Ellis
Robert Currey
John Wilson
Clarke Skinner
W^m W^ms Sen^r
W^m W^ms Jun^r
Jeremiah Shannadin
John Elsegeth
John Godscross
Rich^d Keene
Jochen Kiesfild
Henry ffirneley

Signed by the Civill Officers & Magistrates &c: of Charles County.

	Justices	Vestrymen	Grand Jury
Geo: Tubman			
John Bayne Srffe	W^m Barton	Philip Lynes	W^m fforster
Thos Whichaley Sub Sherrffe	Henry Hawkins	John Stone	Walter Storey
Tho: Stone Sub Shrffe	James Smallwood	Gilb^t Clarke	John Boaker
	Philip Hoskins	W^m Dent	John Tibalds

Philip Briscoe
Jos: Manning
Rich^d Harrison
Benj^a Hall
Henry Harde
W^m Hawton Sen^r
C. Lomax Clerk
Tho: Smoote
W^m Stone
John Hanson
John Wilder
W^m Harbert
Rob^t Yates
John Dent
Cornelius Haddock
Rob^t Benson
W^m Newman
Joseph Harrison
James Kottrell
Tho: Bowlin
W^m ffrost
Abra: Lemastre
Rich^d Edgar
Sam^ll Luckett.

Signed by the Military Officers of Charles County.

John Courts
James Smallwood
W^m Dent
Henry Hardy
Philip Hoskins
John Wilder
John Bayne
Thomas Smoote

Lib. H. D. Signed by the Military Officers of Baltemore County.

John Thomas Coll	John Oldton Capt	Danll Parmer Ensign
Tho: Richardson Lt Coll	Charles Merriman Capt	Samll Sycklemore Lt
James Maxwell Majr	Wm Levyson Lt	Tho: Roberts Lieutent
Jno fferry Capt	Richd Thompson Ensign	Thomas Hamond Capt
Jno Hall Capt	Roger Mathews Leiutent	Wm Slade Lieutent
Thomas Preston Capt	Danll Scott Insign	James Jackson Ensign

p. 34 Signed by the Civill Officers and Magistrates of Baltemore County.

John Thomas	Nicho Simons	ffran: Whithead
Mark Richardson	Jonas Bowin	Jos: Peake
Thomas Richardson	John Hayes	Wm Wilkinson
John Hall	Thomas Brocke	Luke Raven
James Philips	Thomas Roberts	Wm Barker
Richard Adams	Josiah Bridge	James Todd
Thomas Hedge	Seallah Dorman	John Haryman
James Maxwell	Isaac Samson	Thomas Grenfeld
Francis Robertson	ffrancis Smith	Nathll Anderson
Iserell Skelton	John Boone	Robuck Lynch

Signed by the Civill Officers & Magistrates &ca of Somerset County.

ffrancis Jenckins	George Layfield	ffra: Jenckins
George Layfield	Thomas Newbold	Math: Scarborough
Thomas Newbold	Thomas Jones	Samll Hopkins
Wm W. P. Planner	Wm Whittington Sherriffe	James Round
Thomas Dixon	Tho: Dixon	Edmund Howard
Wm Coulbourne	J. West, Clk:	Coroner
Vestrymen		Stephen Horsey
		Arnold Elzey
		John Bozman

Signed by the Military Officers of Somerset County.

David Browne Coll	John Mtt Clester
John Winder	Samll Worthington
Wm Whittington	Joseph Venalles
Thomas Winder	Thomas Dixon
Nicho Evans	Arnold Elzey
Benja Lawser	Peter Dent
James Dashiell	Thomas Poynter
	Edward Hamond

Signed by the Civill Officers & Magistrates &c: of Dorchestr County.

p. 35 Wm Robinson Senr	Hugh Eccleston Clk	Henry Hooper
Wm Shinton	Philip Pitt	Thomas Ennalls

James Mandsly	John Lecompte	Thomas Hicks	Lib. H. D.
Rich[d] Teabe	Obediah King	W[m] Mishen	
W[m] Spencer	Edw[d] Stephens	Rich[d] Atwin	
Arthur Whiteley	John Person	Alex: ffisher	
Thomas Ungers	ffrancis Howard	Rich Tubman	
Jn[o] Button	W[m] Charter	Roger Woolford	
Jn[o] Leharttey	Henry Griffin	Andrew Gray	
Charles Bradley	Thomas Clerke	Walter Cambell Sherriffe	
W[m] Vargent	Edmund Bronnack	John Hassellwood Corp[ll]	
Nich[o] Philips	Thomas Bronnock	John Rollings Corron[r]	
	W[m] Lower		

Signed by the Military Officers of Dorchest[r] County.

Charles Hutchins
Tho Ennalls
Rich[d] Attwell
Ben Hunter
Jacob Loakerman
Thomas Deare
Walter Cambell
W[m] Mackeell
Edward Taylor
Roger Woolford

Signed by the Civill Officers & Magistrates &[ca] of Cæcill County.

Casp[a] Aug[t] Herman	John Stoope	Samson George
W[m] Harris	Robert Gibson	John Glosson
W[m] Dare	W[m] Gallaway	W[m] Hubbard
Edw[d] Blay	York Yorkson	W[m] Hill
Jn[o] Thompson	W[m] Pierce jun[r]	John Stanley
Rob[t] Crooke	Edw[d] Lademore	W[m] Bowlin
Abel Blackiston	Thomas Church	
W[m] Peirce	Hugh Douch	
John Carvile Shrffe	Robert Randull	
Charles Bass Clk:		

Signed by the Military Officers of Cæcill County.

Casp: A: Herman	W[m] Harris	Rob[t] Crook
W[m] Pearce	M: V: Hayden	Philip Cheager
John Thompson	Edward Blay	Edw[d] Larmoore
Peter Byard	W[m] Dare	Nath[ll] Hilling
W[m] ffreeman	John James	Rob[t] Hues

Lib. H. D.

Hen: Eldayerly	ffr: Barnett
Dan[ll] Mackveall	Rich[d] Smith
Oliv[r] Talmer	W[m] Edwards
Rich[d] Manary	Philip Rasen
John Duing	Rich[d] Kinword
Peter Leverson	

p. 36 Signed by the Military Officers of Prince Georges County.

John Addison Coll: | Tho: Hollyday Nominated L: Coll. | W[m] Barton Nominated Maj[r] | John Whight Nominated Cap[t] | Rich[d] Brightwell | Sam[ll] Mageador |

Signed by the Civill Officers & Magistrates of Prince Georges County.

Thomas Hollyday	Thomas Greenfield Srffe	Edw[d] ffenix
W[m] Barton	Robert Middleton Coron[r]	Christoph[r] Thompson
John Wight	Edward Brooke foreman	W[m] Thompson
Robert Bradley	Sam[ll] Magendor	Joshua Hall
David Small	John Clittam	Robert Clarke
W[m] Tannehill	James More	Alexand[r] Harbart
Robert Tyler	Edward Willett	John Davis
	John Browne	Archibald Edmonston
		Edw[d] Dawson

Joseph West
Edw[d] Millsteed
John Heverey
James Coghitt
John Cusen
Alexand[r] Beale
Jn° Demall
John Ramsey
John Soper

S[r]

Having notice from our Agent in Scotland That the Ships und[r] mention'd were preparing to Saile from thence with the goods of th[t] Countrey directly for Maryland or Virg[a] We desire you will please to Cause the s[d] Vessells & Lading to be Seized at their ffirst Arrivall and to be Vigorously prosecuted on the fforfeiture by Law whereof in due time We Shall Expect an Acco[t] from you, We having wrote to this purpose to the

Lib. H. D.

Govern[r] of Virg[a] We are
Custom House Lond[o] S[r] Yo[r] very humble Serv[ts]
9 July 1696. Ben: Overton
Eliz[a] of Glasco Rob[t] Sinclear Mast[r] burth 120[Ton] Sq: Sterne Barbary of Glasco Hugh Scott Dutch built burth 120[Ton] Rob[t] of Iruin burth 140[Ton] Square Sterne Gov[r] Maryland. Rob[t] Clayton C Godolphin Walter Younge

Having Received Satisfaction Concerning the Ship or Vessell called the Charles of Topsham Burthen 160 Ton or thereabouts fforreign Built not made free whereof George Bass is Master particularly That She doth belong to Merch[ts] in Exon, Their Ma[ts] English Born Subjects, You are to Suffer the s[d] Ship or Vessell (the master and three ffourths of the Marriners at least being also English) to Load Tob[o] at Virg[a] or Maryland and to proceed therewith to some Port of England Wales or Berwick, The said Ship being to pay noe other or greater Duties for such Tobacco as she shall there load than an English built Ship.

(Locus Sigilli)

Capt Bass Certificate abt the Ship Charles of Topsham.

Custom House Lond[o]. G. Boothe
31[th] of July 1692. Rob[t] Clayton
Duplicate Jo: Werden
To the Comand[rs] of their Ma[ts] Ships of Warr on the Coasts of Virg[a] & Maryland & to the Offic[rs] of their Ma[ts] Customs there or Else where whom this may Concern. P. Ward

Richd Bass's Certificate for the Ship Charles

p. 37

These are to Certifye all whom it doth Concern; That security is given to the Cheif Officers of his Ma[ts] Customs in the Port of Exon concerning the Ship or Vessell called the Charles of Exon Burthen one hundred and Sixty Tons or thereabouts, whereof Richard Bass is master, mounted with ffour Guns, Navigated with Eighteen men fforreign built not made free and Bound for Virg[a] an English Plantacōn in America with Severall Goods, Wares, or Merchandize with Condition that if the s[d] Ship or Vessell shall load any Sugar, Tobacco, Cotton, wool, Indico, Ginger, ffustick, or other Dying Wood, of the Growth Production or manufacture of any English Plantacon in America, Asia, or Affrica; the same Comodities, shall be by the s[d] Ship or Vessell brought to some Port of England Wales, or to the Port or Town of Berwick Upon

(locus Sigilli)

Richd Score D Cust. & Coll[r]

(locus Sigilli)

Lib. H. D. Thomas Pitt 95 p Comp. Tweed, and be there unloaden and put on Shoar, the danger of the Seas only Excepted; Dated at the Custom House Exon the Seventh day of September in the Seventh year of the Reign of our Soveraign Lord William the Third, King of England &ca Annoq Domini 1695.

Signed by us the Commissionrs of his Mats Customs at the Custom House London 9th Septembr 1695.

Walter Younge: Ja: Chadwicke
C Godolphin Sam Clarke.

fform of a Certificate for a Ship tht gives bond in England, to Return to England, Wales or Berwick only.

On the Back of the abovesd Certificate was thus written, Vizt These are to Certifye That by Affidavit of Danll Ivie and Henry Arthur of Exon Merchts remaining with the Comrs of his Mats Customs, It is Affirmed That themselves George Bass of Exmouth And Mary Franckmore of Topsham all his Mats naturall born Subjects are the ffull & Sole Ownrs of the Ship Charles within mention'd whereof Richd Bass is master And that noe fforreignr or Alien directly or Indirectly hath any part Share or Interest in the sd Ship.

Custom House, London 11th Septembr 1695. Rich. Savage

Novembr the 13th 1696.

Ordr recd: by Mr Crauford &ca Then recd: of Henry Denton an Order of his Excncy Dated the 6th instant Relating to the Entring up the Provll Court Judgmts I say Recd by me,

J: Crauford

November the 14th 1696.

Ordr recd by Mr Meriton &ca. Then Recd of Mr Henry Denton an Ordr of his Excncy dated the 6th instant Relating to the Entering up the Provll Court Judgmts I say recd by me,

Meriton

November the 21th 1696.

Sheriff of St Maries rect for Coll Cood & bag of papers &ca Then recd of Henry Denton Clerk of the Council, a Lre directed to Mr John Cood and a bagg of papers sealed up for him, the wch I do hereby promise to deliver accordingly as witness my hand the day and year abovesd John Shanks

Oath to be taken by the Kings Attorney & Sollicito^{r} Gen: or one of his Ma^{ts} Councillo^{rs} at Law, Viz^{t}. Lib. H. D. p. 26

Oath for his Mats Councillrs at Law &ca

I do Swear that I will well and truly Serve his Ma^{ty}: in the Office or place of in this Province and do his Ma^{ts} proffit in all things that belongeth to me to do by way of my Office as ffarr forth as I may or can I will not reveale or disclose his Ma^{ts} Councill in any matter or cause whereby his Ma^{ty} may suffer detrim^{t}. I will prossecute all Offenders ag^{t} the Publick peace of this province as they shall Come to my knowledge according to the Laws of this province in the prov^{ll} or County Court in this Province I shall not advise or be of Councill with any p^{r}son or p^{r}sons ag^{t} his Ma^{ty}: Except what I am already concern'd in I shall Endeavour truly to keep his ma^{ts} Rights & all that belong to him I shall not consent to decrease lessen or conceal any of his Ma^{ts} Rights or ffranchisses and whensoever I shall have knowledge that his Ma^{ts} Rights have been concealed or withdrawne in Lands Rents ffranchisses or Suites or any other thing I shall doe to my true power to make them to bee Restored to his Ma^{ty} again and if I may not doe it I shall Certifye the Same to his Ex^{ncy} the Govern^{r} or Command^{r} in Cheif or Some of his Ma^{ts} hon^{rble} Councill thereof and further I shall Use my Self in the Office of for his Ma^{ty} According to my best skill and knowledge so long as I shall Continue in the Same. So help me God.

December the 3^{d} 1696.

Mr Goldesborough constituted one of his Mats Councillors at Law

The above Oath was then Administered unto M^{r} Robert Goldesborough (Constituted one of his Ma^{ts} Councillors at Law) before his Ex^{ncy} the Gov^{r} in presence of the hon^{rble} S^{r} Thomas Laurence Baron^{t} Secretary & M^{r} Will^{m} Dent one of his Ma^{ts} Sollicito^{rs} at Law at the port of Annapolis in the prov^{ll} Office.

At a Councill met and held at the Port of Annapolis the Eigth day of Decemb^{r} in the Eigth Year of the Reign of our Soveraign Lord King William the Third &^{ca} Annoq Domini 1696. Whitehall

Present

His Ex^{ncy} ffrancis Nicholson Esq Cap^{t} Gen^{ll} &^{ca}

S^{r} Thomas Laurence Baron^{t} Secretary
The hon^{rble} Coll: John Addison

Mr Tench acquaints the Board abt

Came the hon^{rble} Thomas Tench Esq (being a member lately dismissed from Acting or Assisting

Lib. H. D. his making an end with the Commissary &ca at this Board as one of his Ma^ts^ hon^rble^ Councill untill he should have ffinished all Business concerning his Administracōn on Gov^r^ Copleys Estate) & says that he is now in hopes of making an End of that Matter with the Commissary to morrow.

Whitehall He is acquainted that he may then Come and take his place in the Councill again.

Produced and Read the following Peticon, Viz^t^

To his Ex^ncy^ ffrancis Nicholson Esq Cap^t^ Gen^ll^ & Command: in Chief of Maryland & Councill &^ca^

The humble Peticōn of Thomas Ashwick ffacto^r^ of John Rodgers of Plimouth merch^t^

M^r^ Ashwicks Peticōn ab^t^ a Sp^ll^ Court Humbly Sheweth.

That by this last ffleet yo^r^ Peticōn^r^ Rec^d^ from his s^d^ imployer divers Letters & Instructions to load a Ship of his that Came in the s^d^ ffleet & send home with the Convoy, And that when the ffleet Came in he had 32 hogg^ds^ of Tob^o^ laid upon Cap^t^ Gerrard Slyes Plantacōn at Bushwood put there by Agrem^t^ with his Attorney M^r^ Sam^ll^ Cooksey for w^ch^ yo^r^ Peticōn^r^ was to pay Twelve pence p hhd & there the same lay for ab^t^ a Month after the s^d^ Slyes Arriv^ll^ Untill one Scurrey sent to him for Tob^o^ and then the said Slye puts yo^r^ s^d^ Imployers Tob^o^ on board the s^d^ Scurry's Sloop and sends on board his Ship giving Ord^r^ that if yo^r^ Peticōn^r^ would not pay what he Demanded for Carrying the Same To Cap^t^ Scurry's Ship he should Stow it away as the s^d^ Slyes Tob^o^ & because yo^r^ Peticōn^r^ could not with Safety and hon^r^ to his Imployer doe soe the s^d^ Slye hath (as yo^r^ Peticōn^r^ is Informed) broke Open Three of the s^d^ hhd^s^ of Tobacco and disposed of them and the rest of the Tob^o^ hath Caused to be stowed on Board s^d^ Scurryes Ship as his own Tob^o^ Therefore yo^r^ Peticōn^r^ for Remedye in the P^r^mises hath sued Prosses out of Prov^ll^ Court as well ag^t^ the s^d^ Slye as ag^t^ the s^d^ Scurrye for his Damages Occasioned his Imployer by the Unjust and unwarrantable doings of them in breaking Open part of the
p. 421 s^d^ goods and disposing of it And the Remainder at their pleasure, Whereby the s^d^ Rogers Ship is like to goe home so much dead ffreighted.

But the s^d^ Slye and Scurrye Knowing the injustice and Damage they have done and th^t^ yo^r^ Peticōn^r^ had sued out prosses ag^t^ them for the same & had sent Declacōns with the Writts expecting to Come to Tryall this Court the matter depending wholy upon Trade are both of them absented from the Places of their abode So th^t^ the Writts cannot be Executed.

And fforasmuch as the ffleet are likely to Sail and therewith the s^d^ Rogers his Ship before the next Court and the ffact by the s^d^ Slye and Scurrye being a Notorious Interruption of Trade and of ill Example to Others evilly intended if Speedy Remedye be not had herein yo^r^ Peticō^n^ humbly prays yo^r^ Ex^ncy^ to grant him a Sp^ll^ Commission to any p^r^sons Justices either of the Prov^ll^ or County Court of Charles County to hear & determine the s^d^ matters in some Short time after the partyes can be arrested & Declaracōns delivered them; And th^t^ the Court house of the County may be the place appointed for the Same And that the Writts Issuing out of the Prov^ll^ Court may be Return'd to the s^d^ Sp^ll^ Court with Such Necessary Clauses as to yo^r^ wisdom shall seem Expedient therein that so the matters may be heard & determined before the going out of the ffleet and the s^d^ Rogers Relieved in the p^r^mises. Lib. H. D.

The s^d^ Petition was by Ord^r^ indorsed as followes, Viz^t^ } And as in Duty bound yo^r^ Petition^r^ shall ever Pray &c^a^

By his Ex^ncy^ the Govern^r^ &c^a^ Dec^r^ the 8^th^ 1696.

Ord^r^ Referred for his Mat^s^ Councillors Report on the above Peticōn.

Ordered th^t^ the within peticōn be Referred to M^r^ Attorney Gen^ll^ & M^r^ Goldesborough one of his Ma^ts^ Councillo^rs^ at Law for them to make Report whats most proper & Legall to be done therein.

The Same Came Reported as followes, Viz^t^

The Report of his Mat^s^ Councillors at Law abt a Commission for a Sp^ll^ Cort

We are of Opinion that Such a Commission as the Petition^r^ hath prayed stands very well with the Rules of Law, and may be granted if yo^r^ Ex^ncy^ approve thereof.

Yo^r^ Ex^ncys^ humble Serv^ts^
George Plater
R Gouldesborough

Decem. the 8^th^ 1696.

By his Ex^ncy^ the Govern^r^ &c^a^

Sherrff of Prince Georges Co: permitted to come to Town

Upon Representacōn & application of M^r^ Commissary Gen^ll^ Ordered th^t^ M^r^ Thomas Greenfield High Sherriff of Prince Georges County be dispensed with & permitted to come to the port of Annapolis in Ord^r^ to make up his Acco^ts^ with the Commissary in relacōn to Charlets Estate.

Lib. H. D. By his Ex^ncy the Gov^r Octob^r the 13^th 1696.

Ord^r abt Birds &c^a Ordered that the sffes of the Severall Counties make Return in Decemb^r next of what Birds, Wild Turkeys, Deere &c^ca they have procured for his Ex^ncy & th^t they give an Acco^t where they are and what they must have for them, & care will be taken that they be Rec^d & paid for.

Signed p Ord^r Hen: Denton C. of Concil.

Decemb^r the 9^th 1696.

The Councill again Sate & were p^rsent as yesterday.

p. 422 Benjamin Ricaud & Richard Lowder of Kent County their Peticōn & ffrancis Twiford of Dorchester County his Petition, were both (being Read) Referred to the Justices of the s^d Respective County Courts.

The Report upon M^r W^m Hemsleys paper in the Case of the hon^rble S^r Thomas Laurence Baron^t Secretary was Read and ordered to be given to M^r Robert Gouldesborough his Ma^ts Councillo^r at Law for his Opinion and Report thereon to be made, and is as followes Viz^t

To his Ex^ncy the Govern^r &c^a

Lawyers Opinion touching Hemsleys Answer &c^a vide Ord^r folio 410 I humbly Offer to yo^r Ex^ncy my Opinion of this Answer that it is not direct to the Question for,

1: The Question was whether he had not made publick vse of them by Runing the Lines of other mens Land and taking pay of p^rsons for Coppyes and this he might doe and yet say he intend them for his private vse though he vses them in publick vses.

2: He says they are not now in nature that is noe Answer, for the Question went further (viz) if they were not in being what became of them whether burnt or how Else destroyed and that is not Answer'd and my Opinion is that he ought to make a plaine answer and such as he can give his Oath to, if by yo^r Ex^ncys Reguard otherwise its plane he intends to Trifle & Evade, which is humbly Submitted to your Ex^ncy by

Yo^r obedient Servants
George Plater
Will^m Dent

I am of the Same Opinion R. Gouldesborough

December the 9^th 1696.

Whitehall The Councill again Sate and were p^rsent as Yesterday.

Coll: Addison appointed to Act in Coll: Jowles stead The hon^rble Coll: Henry Jowles Chancelo^r having Signifyed by Letter to his Ex^ncy w^ch was here produced and Read, that he is so very lame that he Cannot attend the business of this Court according

to his Duty therein; and considering that none of the Gentlemen of his Ma^ts hon^rble Councill are as yet Come to Town except Coll: John Addison it is therefore Ordered that the s^d Coll: Addison be Appointed to Act hâc vice in the s^d Coll: Jowles stead: and that a Commission be prepared accordingly. Lib. H. D. Whitehall

December the 10^th 1696.

The Councill again Sate and were p^rsent

His Ex^ncy ffrancis Nicholson Esq Cap^t Gen^ll &^ca Whitehall
S^r Thomas Laurence Barron^t Secretary
The hon^rble { Thomas Tench Esq / Coll: John Addison }

Ordr abt the two Men and Officer to Continue at the Garrison till furth Ordr

Ordered that the two Men and Officer aded to the Party of Rangers in Potomock last July be Continued at the Garrison untill further Ord^r it being Deemed for his Ma^ts & Countreys Service, and that they Remain there together all Winter—p^rsuant to former Command, his Ex^ncy being pleased to p^rsent them with Ten dollars to drink the Kings Health, by the hands of the hon^rble Coll: John Addison.

December the 11^th 1696.

The Councill again Sate & were present as before. Whitehall p. 427

Govr New Yorks L^re to be Entred in the Councill Bo:

Produced & Read a Letter from his Ex^ncy the Govern^r of New York giving an Acco^t of the News in those parts in relacō̄n to the ffrench and Canida Indians.

Ordered that the same be Entered in the Council Book; But as to any Answer thereto it is imagin'd there is none Required. Whitehall

Govr of Virg^a L^re produced by M^r Plater &^ca

Produced by George Plater Esq (his Ma^ts Receiver Gen^ll) unto the Board, a Letter by him Rec^d from his Ex^ncy S^r Edmund Andros Gov^r of Virg^a Dated the 8^th of October past in relacō̄n to some Money Ordered to him the s^d M^r Plater Signifying that he had Rec^d Bills to the Value of 300^ll Ster. being part of the 500^l taken by the s^d S^r Edmund from this Governm^t in the absence of his Ex^ncy.

Ordr abt Bills remitted for England &^ca

Ordered that the s^d Bills be by him Remitted for England to be lodged in the hands of M^r Micajah Perry Merch^t in London to be Appropriated to the Vses as the Assembly have desired & humbly Supplicated his Ma^ty for. Whitehall

Lib. H. D. Whitehall

His Excys demands to Mr Plater abt the Revenue

His Exncy is pleased to Demand of Mr Plater whether he has not duly transmitted for England from time to time the Acco[t] of the Revenue pursuant to Severall former Ord[rs] and whether he has not those Instructions by him sent by the R[t] hon[rble] W[m] Blathwayt Esq Audit[r] Gen[ll] in relacon to that Affair; who says he has and that he never omitted sending the s[d] Acco[ts]. Ordered that he carefully pursue those instructions and transmitt a full Acco[t] this ffleet.

Whitehall

Ord[r] to be Consulted by his Mats Councill at Law abt the 150[ll] paid to Coll: Greenberry

Ordered that it be Consulted by Mr Attorney & Sollicito[r] Gen[ll] and Mr Rob[t] Gouldesborough one of his Ma[ts] Counsell at Law, whether the 150[ll] paid to the hon[rble] Coll: Nicholas Greenberry as President of the Councill was done by a Legall Power & Authority and whether the late Act of Assembly for confirming the Proceedings of that time does any ways allow that paym[t] or his detaining the same whereby it ought not to be Refunded as well as the Money taken by his Ex[ncy] S[r] Edmund Andros.

At a Councill held &[ca] Decemb[r] the 12[th] 1696.

Present

His Ex[ncy] ffrancis Nicholson Esq[r] Cap[t] Gen[ll] &[ca]

S[r] Thomas Laurence Baron[t] Secretary
Coll: John Addison
Coll: John Courts
Thomas Brook Esq[r]

Severall prsons Sumond to Appear at the Board

The Justices of the prov[ll] Court and Lawyers and what Burgesses were in Town, together with the Carpinter and Bricklayers were Summoned to Appear at this Board who accordingly Came Viz[t].

Robt Smith, Thomas Tasker, Richard Hill, Philip Hoskins, Thomas Staley — Justices

George Plater Esq[r], Mr William Dent, Mr R. Gouldesborough, Mr Sam[ll] Watkins — Lawyrs

Tho: ffielder Carpinter — Bricklayrs

Hen: Crofts, Wm ffreeman — Bricklayrs

Maj[r] Edward Dorsey, Mr William Hemsley — Burgesses.

Read the report of the Persons appointed to Veiw the State House as follows Viz[t].

Port of Annapolis, Decemb^{r} the 12th 1696. Lib. H. D.

The Report of the State house. The Report of Severall Persons appointed by his Ex^{ncy} the Govern^{r} and the prov^{ll} Court to View the New Court House and Consider what Methods must be taken for securing the same against the Weather. p. 432

The Persons appointed Viz^{t}.

The hon^{rble} Thomas Brooke Esq^{r} and Coll John Courts of his Ma^{ts} hon^{rble} Councill.

Cap^{t} Richard Hill, Cap^{t} Philip Hoskins } Justices of the Prov^{ll}

Maj^{r} Edward Dorsey, M^{r} Will^{m} Hemsley } Burgesses of Assembly

M^{r} W^{m} ffreeman, M^{r} Henry Crofts, M^{r} Alexand^{r} Graves } Bricklayers.

William Bladen appointed Clerk to draw up this Report, In Consideracōn the Weightiest part of the Work is done. We find that the House is two Thirds done not only as to the Work but alsoe the Charge thereof.

That in Case Colonel Herman do not forthwith Send the laths Shingles and other Materialls for Covering the House and immediately proceed to doe the same Care must be taken and persons agreed with and imployed to cover it with planck at his Charge. That it is absolutely necessary that the Door Cases Cornish and Window fframes be immediately secur'd by priming them and clapboarding up the Windowes and Door Cases to keep the Weather off.

That in Case Coll: Herman does not vigorously proceed to goe on and ffinish the Work that some other Methods be taken and persons Agreed with to doe the same at his Charge.

Lastly that Colonell Herman have immediate Notice thereof:

Signed p Ord^{r}

W Bladen Clk.

His Ex^{ncys} Cómunicacōn abt the State House

The s^{d} matter being maturely debated upon and the Workmen asked what Sume of money they thought would be Required to ffinish the House according to the Contract which was Read unto them, who do say that they believe ab^{t} 400^{ll} will perfectly finish it, they are asked if in Case Coll: Herman had minded his business and lost no time, but had alway's kept hands tendance and provided materialls Sufficient whether the House might not have

Lib. H. D. been ffinished, or at least closed in long ere this; who doe say it might; the Bricklayer affirming that if he had due tendance and materialls ready, should have done the Brick work in 3 months time they are asked whether the work that is still to doe may be done this Winter, who make Answer that it may in every respect, as well as in Summer except the plastering Worke. They are Ordered to withdraw.

The Lawyrs are asked their Opinion

The Lawyers are asked their Opinion (considering how Circumstances are) whether or no the money allotted to the s^{d} Coll: Herman in the hands
p. 433 of Maj^{r} Thomas Smithson Treasurer for the Eastern Shore may not be legally stopt together with part of his publick Tobacco, answerable to what may ffinish the s^{d} House who give their Opinion that the same is Justifyable Enough in such a Case as this, where the Publick Intrest is concern'd in respect he has taken upon him to do a thing that he has not perform'd, w^{ch} is likewise agreed to, and is the sense of this Board and of the Justices and Burgesses prsent, and therefore Resolved and Ordered that the s^{d} money allotted him in Maj^{r} Smithsons hands and the Tob^{o} allowed him in the hands of the Sheriff of Talbot County this year be stopped and not paid him untill the s^{d} House be fully Compleated and ffinished and that Coll: Herman be immediately sent to and have Notice thereof accordingly and further that if upon such Notice given the s^{d} Coll: Herman do not imediately send down Workmen and materialls in Ord^{r} to the Speedy Carrying on the s^{d} Work (it being adjudged that what Remains to be done may be well Enough effected this Winter, unless the plastering Work), That Workmen be forthwith imprest and imployed and materialls necessary found for carrying on the s^{d} Worke remaining still to be done to be paid out of the s^{d} money and Tob^{o} stopt hereby appointing that Maj^{r} John Hamond Cap^{t} Richard Hill and Maj^{r} Edward Dorsey to take Care to provide all Workmen and materialls Necessary in Ord^{r} to the Speedy Carrying on the s^{d} Work and that they duly oversee the same.

Ord^{r} for a Ditch to be made abt the Town in the place of the ffence

It being Represented by his Ex^{ncy} that he has had generall and frequent Complaints from Severall persons about their losing their Horses out of the pasture, and some quite lost and other some shott, therefore proposed that for the future Security of the Horses coming here there be a ditch made in the place where the ffence Runs, ffour ffoot deep and Eight ffoot broad with a draw bridge over it and a little House to be built on Each Side thereof, the which is Unanimously Agreed to, that

the same will be of very Great Vse and Service to the Coun- Lib. H. D.
trey and therefore Resolved and Ordered that the same be done accordingly and that Majr Hamond Capt Hill and Majr Dorsey Agree with Carpinters and Labourers (as Cheap as they Can) for the Speedy Effecting thereof and see to the Speedy Carrying on of the sd Worke.

Mr Thomas ffielder being desireous to goe on in the State House Worke is therefore Recommended to Coll: Herman that he be Continued therein.

Produced and Read the following Peticon being an Authentick Copy taken from the Originall, Vizt

To the honrble Capt Charles Wager Comodore and Commandr in Cheife of the Virga and Maryland ffleet.

Peticon of Severall Masters of Ships abt Sayling &ca

We the Masters and Commandrs of Severall Mercht Ships of Considerable Countenance and Burthen, belonging to and part of the sd ffleet Do Whitehall humbly propose and Request the ffavour of Longer time than is now assigned Us to Load and get ready our respective Ships to sail with and undr yor Conduct & Convoy, it being morally impossible for us so to doe, and to Compleat our Lading by the time aforesd and that for these Reasons Vizt

1: The Unseasonable Arrivall of the ffleet here in this Province when soe many Runing Ships had been here Loaden and Carryed Away the Majr part of the last years Crop not having left Enough behind to Load one ffourth part of the p. 434 ffleet.

2: The great disappointmts that most of us have met with Since our Arrivall by Sickness, Mortality and the Runing away of our men through the Great Encouragemt that is given in Pensilvania.

3: The Backwardness of the New Crop and Consequently the bad Curing of Tobo besides the generall want of Seasons for Shipping and defect of the Coopers in setting up the Cask so that very little new Tobo is yet Ready.

4: The season of the year approaching wherein ffrequently Whitehall the Weather hath proved such as to ffrieze and stop up our Sloopes and Boates &ca in Creeks and Coves where they have been sent for Tobo many times for a month, Six Weeks or longr and thereby prevented from putting the Same on board the sd Ships.

5: That our Sailing in March will be altogether as Advantagious as if we Sayled now by reason our men will be then at Home time Enough to serve his Maty in the summer ffleet and the Customs soon Enough paid into the Kings Treasury.

Lib. H. D. 6: If we Sayle this Winter, considering the Season of the year and our being weekly mann'd, its morally impossible that ever We should keep Company together home, besides the Great Damages that will inevitably Ensue upon our Loading.

7: It will be more Advantagious to our Merchants by Reason our fforreign Trade will be Open and our Ships not likely to Return before the ffall.

All which and many more Urgent and Weighty Reasons that might be Offered together with the great and apparant loss that would Redound to the Crown by the miscarriage of the ffleet or their Returning home without their Loading, besides the unspeakable detriment of the merchants and Owners of the s^{d} Ships being Recommended to yo^{r} most serious and prudent consideracō̄n, will we hope prevaile with you to Consent to the Allowance of further reasonable time to Compleat our Loadings, especially since We p^{r}sume & humbly Conceive it may be Granted Us without the least prejudice to yo^{r} hon^{rs} in the Post and Station you are placed and the great Trust and Confidence Reposed in you.

Whitehall

Daniel Bradley
James Brain
Samuell Philips Jun^{r}
Jeremiah Deeble
Richard Bass
Isaac Wilde
Barth^{o} Whithorne
Thomas Wilde
Thomas Marshall
Thomas Hastwell for Cap^{t} John Gallon
Jo: Scotten
Deane Cock
Peter Olson
Splaudin Rand
Thomas Salmon
James Thomas
Jon^{a} Scarth
Daniell Watts
John Nall
Thomas Emmes
John Ganby
ffrancis Harbin
Henry Mundy
Edward Barcock
Henry Sutten
George Keeble
Recompence Stanborough
Benjam^{n} Haddock
Thomas Lurting
John Tanner
Joseph Scotting
George Plater for & by Ord^{r} of Andrew Sen House
George Plater for & by Ord^{r} of Robert Lurting

On the Back of the s^{d} Peticō̄n was thus written Viz^{t}

Whitehall This Peticō̄n and the Reasons have been Read in the Prov^{l}[1] Court, and so farr as the same Relates to this Province We doe Certifye that the Reasons given are generally True as
p. 435 they are within laid Down, and thereto We the Justices of this Court and Grand Jurors for the Body of this Province have set our hands this 4th day of Decembe^{r} 1696.

Grand Jurors:
Hen: Smith
Elias King
Charles Hemsley
Rich: Chambers
Gilbert Parteson
Edward Swann
Charles Stephens
Peter Jarboa
Sam^{ll} Lucket
Hen: Norris
John Barrot
Tho: Sprigg
Tho: Stocket
John Marriott
Henry Cox
John Bowles
Henry Green
W^{m} Wilkison
Thomas Preston

Justices:
Robert Smith
John Hamond
Richard Hill
Thomas Tasker
Philip Hoskins
Thomas Staley
Philip Clarke

Ordr for Copy of the sd Peticōn be sent to Each respective County

His Excy the Governr and Councill do Agree with the Sense and Opinion of the Justices of the Provinciall Court and Grand Jury as to the within mention'd premises, and do Ordr thereon as it is hereby Ordered that Copy of the same be sent to the Sheriff of Each respective County and prsented to the Justices and Grand Jury of the severall County Courts to be held in Janry next for their Opinions thereon to be given, which afterwards they are to Return unto his Excy at the Port of Annapolis with all possible Speed. Lib. H. D. Whitehall

Decembr the 12th 1696.

The Councill again Sate and were prsent,

His Excy ffrancis Nicholson Esq Capt Genll &ca

Sr Thomas Laurence Baront Secretary,
The honrble Coll: John Addison
Coll: John Courts
Thomas Brooke Esq

Whitehall

Ordr abt 20 peices of Eight to be paid to the Man of Warrs Gunner

Ordered that George Plater Esq (his Mats Receiver) pay unto the Man of Warrs Gunner, Twenty pieces of Eight out of the Quarter part of the 1s p hhd. in Satisfaction of ffitting the six hundred ffusees.

Came Mr Willm Dent and made Oath to his Navll Officers Accot commencing ffebruary Anno 1695, until this day made up. Whitehall

Produced and Read the following Peticōn, Vizt

To his Excy ffrancis Nicholson Esq Capt Genll and Commander in Chief in and Over this his Mats Province of Maryland &ca

The humble Peticōn of William Dent one of the Attorneys of the Provll Court.

Mr Dents Peticōn abt his Assistance in the Solicitors place &ca

Humbly Sheweth.

That in Obedience to yor Excys Commands I have from the 13th day of Novr 1694, Assisted Mr George Plater his Mts Attorney Genll of this Province as Sollicitor Genll in all his Mats Pleas of the Crown both Criminall and Civill and have Refused to take any ffees of any prson where his Mats intrest has been Concern'd save only what I was Engaged in when yor Excy laid yor Commands on me. Whitehall p. 436

That I have not as yet Recd anything of Salary for such my

Lib. H. D. Servicc although I can demonstrate to yo^{r} Ex^{ncy} that the same has been out of my Pocket above Ten Thousand pounds of Tob^{o} a year in my private practice by severall Persons that have been Sued and prosecuted in his Ma^{ts} name whose Attorney I should have been had I not been Sworne in his Ma^{ts} Service &^{ca}

That the ffees arising out of those Pleas Criminalls (besides that they are very Small) are due to the Attorney Gen^{ll} from whom I have not Rec^{d} any.

Whitehall Therefore in Reguard the Attorney may Receive the ffees, and besides that, holds two other good places of proffit under his Ma^{ty} such as Receiver Gen'll and Collecto^{r} yo^{r} Petic$\bar{o}$n^{r} humbly Prays your Ex$^{ncy's}$ Consideration of him and that you will be ffavourably pleased to settle something of Salary on him for the time past and to Come that he may thereby be Enabled chearfully and diligently to Continue his Service to his Ma^{ty} in the s^{d} Office during his Ma^{ts} pleasure.

And as in Duty bound shall Ever Pray &^{ca}

The s^{d} Petic$\bar{o}$n was by Ord^{r} indorsed as follows, Viz^{r}

By the Hon^{rble} his Ma^{ts} Councill &^{ca}

Decemb^{r} the 12th 1696.

M$_{r}$ Dents Case to be laid before his Maty & Councill

The hon^{rble} his Ma^{ts} Councill being Sensible that what is within alleged is truth, have therefore Requested his Ex^{ncy} to lay his Case before his Ma^{ty} and the R^{t} hon^{rble} his Councill in England.

Signed p Ord^{r}
Hen: Denton Cl. Concil.

Decemb^{r} the 12th 1696.

The Oaths admrd unto Whitehall Coll: Addison & the broad Seal dd to him

A Commission being prepared as above was Signed by his Ex^{ncy} & passed the Broad Seal of the Province, the s^{d} Coll: Addison having Administred unto him the Oaths appointed by Act of Parliam^{t} to be taken instead of the Oaths of Allegiance and Supremacy as also the Oath of a Commission^{r} in Chancery The Broad Seal of the Province is Ordered to be delivered unto him.

Ord^{r} is referred to the Justices of the prov^{ll} Co: for their Opinion abt the Court of Chancery & Whitehall Govr & Councils Sitting

Ordered that it be Referred to the hon^{ble} the Justices of the Prov^{ll} Court and Lawyers whether it may not be more for his Ma^{ts} Service & good of the Countrey that the Court of Chancery and the Govern^{r} & Councill for hearing Appeals and Writts of Error, do sit at the End of every prov^{ll} Court, and that they make Report thereof to this Board accordingly with all Convenient Speed.

The Same Came Reported as followes Viz^{t} Lib. H. D.

To his Ex^{ncy} the Govern^{r} & Councill &^{ca}

The Report of the Justices of the Prov^{ll} Court on the Ordr of Reference

It is the Unanimous Opinion of the Judges & Practition^{rs} of this Court that it will be much more convenient that the Court of Gov^{r} and Councill and p. 423 Chancery should not sit till the End of the Prov^{ll} Court, and not during the Court; for the Lawyers cannot Easily attend both; one Court being Enough for the Lawyers to attend at one time.

Signed by Ord^{r} of the Court
H: Wriothesley Clk.

Ordr abt the Court of Chancery & Govr & Councills Sitting.

Ordered thereupon as it is hereby Ordered that for the future the Court of Chancery Sit the next day after the prov^{ll} Court makes an End of Sitting the Severall days appointed by Law for hearing and determining all Causes for the Severall Counties of the Province & the Govern^{r} & Councill for hearing Appeals & Writts of Error on the Same night the w^{ch} the Severall Sherriffs are hereby directed to make publick.

Ordr to be Consulted by the Kings Lawyers abt Coll Cood &ca

Ordered that the Kings Lawyers be consulted what process & proceedings have been issued ag^{t} M^{r} Cood both as to Criminall & Civill Actions at Whitehall the Suit of his Ma^{ty} and whether it may not be proper (understanding he is Removed to Virg^{a}) for to send a Copy of all the s^{d} proceedings together with an Acco^{t} of the nature of his Crime, and of what is Claim'd from him as due to his Ma^{ty} unto his Ex^{ncy} S^{r} Edmund Andros to know why he should not be Surrendered up &^{ca}

The Same Came Reported as followes, Viz^{t}

A State of the Case of his Ma^{ty} ag^{t} Coll: John Cood late of S^{t} Maries County.

The Kings Lawyrs consultacōn abt Coll: Cood.

The s^{d} Coll: John Cood (having been his Ma^{ts} Receiver of his Duties and Revenues arising by the one shilling ꝑ hh^{d} in Potomock River) being upon Whitehall the same in Arrears to his Ma^{ty} in the sume of 439^{lb}: 10^{s}: 11^{d} Ster. as appears by an Acco^{t} made up by the Committee of acco^{ts} appointed for stating the Publick Revenue is impleaded by his Ma^{ts} Attorney Gen^{ll} of this Province for the same & process awarded ag^{t} the s^{d} Cood at Suit of the s^{d} Attorney Gen^{ll} who for his Ma^{ty} in th^{t} behalfe prosecuted which is sent into S^{t} Maries County. And the s^{d} John Cood having spoken, published and Uttered diverse blasphemous & Atheisticall

Lib. H. D. words & Speeches ag^t his Ma^ts Peace and the Act of Assembly of this Province is likewise prosecuted for the same in his Ma^ts name by his Attorney Gen^ll by way of p^rsentm^t & process Sent into the County of S^t Maries, and the s^d Bill is found & Return'd Billa vera by the Grand Jury of this Province, as by a Transcript of the Deposicōns, Records and proceedings of the s^d Action, and p^rsentm^t hereunto Annex'd more at large may appear. In both these Actions the Sheriff Returns that the s^d John Cood was not found within his Bayliwick but did abscond himself so that he Could not take him the s^d process, as by the Writts & Returns thereof hereunto Annex'd may appear.

Whitehall And now the s^d John Cood hath privately Removed all or most part of his Goods and Chattells & himself into the Colony of Virg^a & as it is said is there Seated. Quære what is further to be done by this Goverm^t for his Ma^ts Service to bring the s^d Coll: John Cood to Answer his Ma^ts Debt afs^d & the Offence against his peace and Laws.

p. 424 We humbly Advise that the State of the Case be laid before his Ex^ncy the Gov^r of Virg^a and th^t yo^r Ex^ncy & Councill for his Ma^ts Service desire the Gov^r of Virg^a to cause the s^d Coll: Cood to be taken hold off in that Governm^t & delivered up to this governm^t in Ord^r to Answer unto his Ma^ty his Just Debt and for the violation of his Laws upon the Pleas afores^d in this Province where the Debt was Created and the breach of the s^d Peace & Laws perpetrated which place and no other We conceive to be the proper place for Tryall of the Same.

George Plater.
Will^m Dent
Sam^ll Watkins
R. Gouldesborough

Whitehall Ordered that the Same be laid before the Justices of the Provinciall Court for their Opinion to be likewise given in the Case, which was accordingly done & Came Reported as followes, Viz^t.

By the Provinciall Court.

The Justices of the provl Co^rts Opinion

Whitehall The Report of his Ma^ts Councill at Law so farr as appears to this Court the same is very proper and requisite to be done as before proposed, and this Court approves thereof.

Signed p Ord^r

Decemb^r 14^th 1696. Hen: Wriothesley Clk:

By his Ex^ncy the Govern^r & Councill &^ca Lib. H. D.

Decemb^r the 14^th 1696.

Ord^r for Copy of the proceedings abt Coll: Cood be sent to S^r Edmund Andros.

The State of the within Case & Report thereon made being here Read was approved off & Ordered that Copy of the Proceedings, Deposicōns & other papers, relating thereto be got ready forthwith in Ord^r to be dispatcht away to his Ex^ncy S^r Edmund Andros by the Man of Warrs Lieuten^t for his Answer thereon. Whitehall

Signed p Ord^r
Hen: Denton Cl Concil.

The aforementioned Copyes being accordingly prepared were inclosed sent in a Letter to his Ex^ncy S^r Edmund Andros as follow's Viz^t

Port of Annapolis Decemb^r 15^th 1696.

His Ex^ncys L^re to S^r Edm^d Andross with Copys of the proceedings abt Coll: Cood

S^r

The inclosed are Copyes of Severall papers; Viz^t N° 1: containing the Deposicōns of Henry Wriothesley, John ffreeman, Alexand^r Lumley, Richard Beard, Richard Kilbourn, & John Stanly, concerning one M^r John Cood N° 2: containing the process issued ag^t him upon the same and a presentm^t found by the Grand Jury for Blasphemy, N° 3: containing certain proceedings ag^t the s^d M^r Cood for a debt due to his Ma^ty with an Award of an Attachm^t thereon N° 4: containing a State of the Case of his Ma^ty ag^t the s^d M^r Cood Reported by his Ma^ts Counsell at Law & Approved off by his Ma^ts hon^rble Councill & Justices of the Prov^ll Court together with a Clause of a certain Act of Assembly in force in this Province against Blasphemy which by Advice of his Ma^ts hon^rble Councill of this Province are herewith transmitted to yo^r Ex^ncy by M^r W^m Ockman Lieuten^t of his ma^ts hired Ship the Prince of Orange desiring you will please to send an Answer thereto at his Return, to Whitehall p. 425

Yo^r humble Serv^t
ffr: Nicholson

Ord^r for a Proclamacōn to issue abt Coll: Cood &ca

Drawn up by Ord^r & advice of his Ma^ts hon^rble Councill (the Opinion of the Justices of the Prov^ll Court & Lawyers therein likewise being had) the following Proclamation, in relacōn to the aforenamed M^r Cood, the which was Signed by his Ex^ncy & passed the broad Seal of the Province, Viz^t.

Lib. H. D.

By his Ex^ncy the Cap^t Gen^ll a Proclamacōn.

A Proclamation issued abt Coll: Cood &ca

Whereas his Ma^ts Writ of Venire has issued to Sundry Counties of the Province ag^t M^r John Cood, commonly called Coll: John Cood for the causing him to be and appear before his Ma^ts Justices of the prov^ll

Whitehall

Court to Answer to a certain p^rsentm^t by his Ma^ts Attorney Gen^ll preferred ag^t the s^d Cood for Blasphemy & found by the Grand Jury of this Province, but fforasmuch as all Measures hitherto taken for the bringing him to condign punishm^t have proved ineffectuall being harbour'd (as is supposed) by some Evill minded persons Enemies to this his Ma^ts Governm^t; I have therefore (by & with the Advice of his Ma^ts hon^rble Councill and of the Justices & Kings Lawyers therein had) thought fit to publish and declare, and I do hereby accordingly strictly Charge and forwarn all persons whatsoever, inhabiting or otherwise residing within the Same from Entertaining, Aiding harbouring or assisting him the s^d Cood in any respect whatsoever, und^r pain of being prosecuted according to the Utmost Severity of the Law but on the Contrary that they Vse their Utmost Endeavour to take him in Ord^r that he may be brought to Speedy Justice in answering such his Notorious Crime, hereby ascertaining a Reward of Twenty pounds Sterling to that p^rson which shall so apprehend & Cause him to be brought in; And to the End due notice hereof may be given I doe hereby Command the Severall Sherriffs of this Province to make proclamacōn hereof in all Churches Chappells & other publick places of Meeting within their respective Counties, as they will answer the Contrary at their perill; Given under the broad Seal of the Province this 17^th day of December in the Eigth year of his Ma^ts Reign &^ca Annoq Domini 1696.

God Save the King. ffr: Nicholson.

Ord^r for all p^rsons abt Town to appear at the Cort House &ca

His Ex^ncy was pleased to Command that the Justices of the prov^ll Court should have notice to be all p^rsent upon the Bench & for to Ord^r the Sherriff to summons all p^rsons about Town that they be forth with and Appear at the Court house he being de-

Whitehall

signed to Come down thither having something to declare in the face of the Countrey.

His Ex^ncy accordingly goes down attended with his Ma^ts hon^rble Councill and is pleased to declare in open Court (the Court House being full of people) how that he understood M^r Cood and M^r Clarke were infusing strange notions into the peoples heads how that this Countrey is Govern'd by an Arbitrary Sort of Power and that Justice is not Equally & impartially administred and such like; therefore was pleased

to Offer that if Either the s^d^ Cood or Clarke, or as many per- Lib. H. D.
sons as they Could Procure for to goe to England to make
their Grievances known and Manage what Complaint they
thought fitt against him, he would freely give them his Passe p. 426
to goe (if the Laws of the Countrey would permitt them) and
ffifty pounds Sterl. out of his own pocket to help to bear their
charges, as also give them such Letters of Recommendacõns,
whereby they might not be obstructed but forwarded to Come to
the p^r^sence of his Ma^ty^ to p^r^sent what Complaints or Grievances Whitehall
they had to Offer in behalfe of themselves or the Countrey;
and his Ex^ncy^ is pleased further to Say & Assure them that
his Ma^ty^ will As soon hear a Complaint from a beggar as a
Rich Man against him or any person without any distinction.

Ord^r^ abt Copyes to be issued and Sent to the Severall Counties abt the Declaracõn

Ordered that Copyes of the s^d^ Declaracõn be writ forth and sent to the Severall Counties of the Province & Published that publick notice be alsoe given by the Sherriffs to all the inhabitants of this Province in generall for to send to his Ex^ncy^ by the ffirst oportunity what Grievances they have to Offer from their Severall Counties in Ord^r^ to be p^r^sented to the Next Assembly (w^ch^ its hoped will not be this Twelmonth or more, unless the Grievance of the Countrey require it) which shall be taken Care off (where proper) to be remedied.

Capt Oldtons Complaint abt three of his men

Vpon the Complaint of Cap^t^ John Oldton Com-
mand^r^ of the party of Rangers in Baltemore County
how that three of his men have deserted the Garri-
son & obstinately refuse to remain there all winter, notwith- Whitehall
standing a former Ord^r^ thereabout, who being sent for to give
the Reason for their not Staying there; and the s^d^ Cap^t^ Oldton
and two of his men appearing (the other being gon into Virg^a^)
were asked why they Obeyed not that Ord^r^ of Councill, to w^ch^
they Answer that their pay had been Ordered them incon-
venient & out of their County so that they Could not Comply
with their Credito^rs^ according to their Expectacõn; Whereupon
the s^d^ matter was inquired into & found that the Committee had
by a Mistake Ordered a great part of their Tobacco in Counties
remote and inconvenient for Supply of the necessity of the s^d^
Rangers, which thing is not possible now to be Remedied.

Ord^r^ abt Capt Oldton & his men to continue at the Garrison all winter

Ordered that the s^d^ Cap^t^ Oldton & his Men do
not withstanding Repair to the Garrison and there
Remain all winter, pursuant to former Ord^r^ his
Ex^ncy^ being pleased to say that he will Speak to the
Assembly next Sessions in their behalfe and that for
the future they shall not be Served so, but have their pay

Lib. H. D. Whitehall convenient, and bestow'd upon them Ten dollars to drink the Kings Health with at Christmas and does think it for his Ma^ts^ and the Countreys Service that the two men and officer aded in July last be Continued at the Garrison untill further Ord^r^ and it is hereby Ordered accordingly.

December the 14^th^ 1696.

The Councill again Sate and were prsent.

His Ex^ncy^ ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ &^ca^

S^r^ Thomas Laurence Baron^t^ Secretary
Thomas Tench Esq^r^
The hon^rble^ Coll: John Addison
Coll: John Courts
Thomas Brooke Esq^r^

His Ex^ncys^ Repr^sentation^ abt the Province of Pensilvania &^ca^ Whitehall

His Ex^ncy^ is pleased to Represent to the Board that his Ma^ts^ Province of Pensilvania adjoyning to this his Ma^ts^ Province of Maryland does generally harbour and Entertain Privateers and Receive and Encourage all manner of Runaway Seamen, Servants and negroes, to the very great Grieuance of the Province and the Merchants and others Trading here, therefore is pleased to propose whether it may not be for his ma^ts^ Service to Represent the whole State of the matter to his Ma^ty^. for Redress producing Severall Deposicōns taken in Relacōn thereto for proofe thereof, to w^ch^ his Ma^ts^ hon^rble^ Councill do Assent and Agree and Ordered thereon that the Justices of the prov^ll^ Court be likewise Consulted therein; as likewise that Coppyes of the s^d^ Opinion and Report p. 437 be sent to the Severall County Courts to be Read in Jan^ry^ Court next for the Justices and Grand Juries to Give their Opinion thereon likewise the which are afterwards to be Return'd unto his Ex^ncy^ at the Port of Annapolis with all Convenient Speed.

The Same Came Reported as followes, Viz^t^.

Whitehall The Justices of the Prov^ll^ Court doe Approve hereof.

Signed p Ord^r^.

Hen: Wriothesley Clk.

Produced and Read a Report made by M^r^ Attorney & Sollicito^r^ Gen^ll^ in relation to the late Act of Parliam^t^ about Trade &^ca^ as followes, Viz^t^.

To his Ex^ncy the Govern^r and Councill &^ca Lib. H. D.

Report upon the late Act of Parliam^t abt Trade &ca

In Obedience to your Ex^ncys Commands unto Us given Verbally We have Considered the late Act of Parliam^t Entituled an Act for preventing ffrauds and Regulating Abuses in the plantation Trade, and so ffarr forth as the same relates to the plantation Trade, which is all We conceive yo^r Ex^ncy required of Us, We humbly Offer Whitehall &^ca That by the s^d Act, all Govern^rs of his Ma^ts plantacōns are Obliged before the 25^th day of March 1697, to take a Solemn Oath to doe their Utmost that all the Clauses, matters and things Contained in the fformer Acts of Trade relating to the s^d Colonies and Plantations, and that all and Every the Clauses contained in this p^rsent Act be punctually and bona fide observed according to the true intent and meaning thereof, which Oath is to be taken before such person or persons as shall be appointed by the Kings Ma^ty &^ca

That all Nav^ll Officers in the Plantations within two months Whitehall after Notice of this Act or as soon as Conveniently it may be are Obliged to give Security for their true and ffaithfull performance of their Duty and any that shall hereafter be Appointed are likewise Obliged within two months or as soon as Conveniently it may be to give the like Security as afores^d and till such time as such Security is given and the Officer appointed be approved on by the Com^rs of the Customs in England the Gov^r of the place who appoints them to be Answerable for their Offences, and these Security's are to be given to the Commission^rs of the Customs in Engl or to such as by them shall be appointed to his Ma^ts Vse.

That by another Clause of the s^d Act all Lawes that Either are or shall be made repugnant or contrary to the s^d Act or the other Acts of Trade and Navigation therein in any of the Plantacōns &^ca are to be declared and Judged Void and Null.

That by another Clause of the s^d Act the Govrn^r or Officer Whitehall appointed by the Commission^rs of the Customs are to inspect all Certificates of having given Bond in England &^ca And where they suspect any ffraud or deceipt in such Certificates they are Enabled to Require and take security in the Plantacōns &^ca for delivery of that Lading according to Law &^ca And where the Govern^r or Officer shall have Cause to suspect that the Certificate of having discharged the Plantacōn Lading in England is false or Counterfiet the Govern^r or Officer afores^d shall not Cancell such Bond till they are Inform'd from the Commission^rs of the Customs in England that the matter of the s^d Certificate is True &^ca

By another Clause of the s^d Act it is declared that after p. 438

Lib. H. D. the making this Act; all places of Trust in the Courts of Law or what relates to the Treasury of the said Islands shall be in the hands of the Native Born Subjects of England or Ireland or of the s^d^ Islands, and that no persons be permitted to Serve as Jurymen upon any Information brought but what are as afore expressed.

By another Clause it is declared that where at any time Bonds of Navigation &^ca^ are taken in the plantation &^ca^ the persons therein Sureties are to be p^r^sons of known Ability and Resident in the s^d^ Plantation &^ca^ And the Condition of the s^d^ Bonds shall be within Eighteen months after the Date thereof (the danger of the Seas Excepted) to produce Certificate of having Landed and discharged the Goods therein mention'd &^ca^

Whitehall By another Clause of the s^d^ Act it is declared that in all Cases where any Ship or Vessell is pretended to belong to any Plantacōn &^ca^ Oath is to be made thereof as in the Act is directed and must be Registred by and before the Govern^r^ and principall Officer of his Ma^ts^ Revenue, and being so Registred and Attested by the Govern^r^ or such principall Officer, One part thereof shall be delivered to the Master of such Ship &^ca^ and another part thereof transmitted to his Ma^ts^ Commission^rs^ of his Customs in London and if any Ship is taken at Sea as Prize and brought into any Plantacōn and for Condemnation the same Oath must be made and Certificate thereof transmitted as afores^d^ and upon any Alterations of any Ships name or transferr of Property, the same Ship &^ca^ shall be Registred de novo and Copy transmitted as afores^d^

There are Severall other Clauses in the s^d^ Act Some of them directive to the Judges, Some to the Officer and some to the parties Concern'd which we doe not Conceive to be Comprized within the Tenor of yo^r^ Ex^ncys^ charge to Us but this is what we Conceive particularly to Relate to the Governm^t^ of this Province and which is humbly Submitted to your wisdom by

your Obedient Serv^ts^
George Plater
W^m^ Dent

The s^d^ Report was Approved off and it was Ordered thereon as it is hereby Ordered that an Ord^r^ go to the Nav^ll^ Officers to give Security persuant to the directions of the afore recited Act of Parliam^t^.

That it be Referred to the Lawyers to inquire whether there is any Law of this Countrey Repugnant to the s^d^ Act

Whitehall and the other Acts of Trade now in force That an Ord^r^ go to

all the Officers that upon the least Suspicion of Counterfiet Certificates for discharge of any Navigation Bonds, they Cancell not the Bonds till it be further Certifyed from the Commissionrs &ca. Lib. H. D.

That publick inquiry be made whether there be any prsons that are of the Courts of Law or of the Treasury that hold any Trust in this Province that are Scotchmen &ca.

That the Clause about Ships and Vessells Names &ca being Registred be sent to be published in every County Court. p. 439

The Severall Remarks and Orders upon the foregoing Report were by Ordr laid before the Justices of the Provll Court for their Opinion therein to be given and Came endorsed as followes, Vizt Whitehall

The Justices of the provll Courts Opinion &ca

The Justices of the Provll Court having Considered of the propositions within named doe Approve thereof.

p Ordr
H. Wriothesley Clk.

The following Ordrs were accordingly issued to the Severall Counties of the Province and Officers &ca Vizt Whitehall

By his Excncy the Governr and Councill &ca

Decr the 14th 1696.

Ordr abt Mr Attorney & Sollicitor Genlls Report

Vpon a Report made by Mr Attorney and Solicitor Genll unto this Board concerning their inspection into a late Act of Parliamt (intituled an Act for preventing ffrauds and Regulating abuses in the plantation Trade) Ordered that the following Clauses be made publick Vizt That by the sd Act it is declared that in all Cases where any Ship or Vessell is pretended to belong to any Plantation &ca Oath is to be made thereof as in the Act is directed and must be Registred by and before the Governr and Principall Officer of his Mats Revenue, and being so Registred and Attested by the Governr or such principall Officer one part thereof shall be delivered to the Master of such Ship &ca and another part thereof transmitted to his Mats Commrs of his Customs in London; and if any Ship is taken at Sea as Prize and brought into any Plantation &ca for Condemnation, the same Oath must be made and Certificate thereof transmitted as aforesd and upon any alteration of any Ships Name or transferr of property the Same Ship &ca shall be Registred de novo and Copy transmitted as aforesd. Whitehall That by another Clause of the sd Act it is declared that after the making the sd Law, all places of Trust in the Courts of Law or what relates to the Treasury

Lib. H. D. of the s[d] Islands shall be in the hands of the native born Subjects of England or Ireland or of the s[d] Islands and that no person be permitted to Serve as Jurymen upon any Information brought but what are as afore Expressed; Ordered that publick inquiry be made whether there be any places of Trust in the Courts of Law or of the Treasury held within this Province by any persons other than what are Native born Subjects of England, Ireland or of the s[d] Islands as is afore expressed, and that a Return thereof be made accordingly.

By his Ex[ncy] the Govern[r] & Councill &[ca]
Dec[r] the 14[th] 1696.

Ord[r] abt the late Act of Parliam[t] &ca

Whereas by a late Act of Parliam[t] (intituled an Act for preventing ffrauds and Regulating abuses in the plantacōn Trade) it is directed that all Navall
Whitehall Officers in the plantacōns shall within two Months after having
p. 440 Notice thereof or as soon as it conveniently may be, give security for their true and ffaithfull performance of their Duty and any that shall hereafter be Appointed are likewise Obliged within two Months or as soon as it conveniently may be, to give the like security as afores[d] to be approved on by his Ma[ts] Commission[rs] in England and to them given or to such as by them shall be Appointed for his Ma[ts] Vse; Ordered
Whitehall thereupon that the respective Nav[ll] Officers within this Province doe give Security pursuant to the directions of the s[d] Act of Parliam[t] And that upon the least Suspicion of Counterfiet Certificates for discharge of any Navigacōn Bonds they Cancell not the Bonds till it be further Certifyed from the Com[rs] of his Ma[ts] Customs that the matter of the s[d] Certificates are true &[ca].

Ord[r] abt Sending to the Com[rs] for Books

Whitehall Ordered that the hon[rble] the Comm[rs] of his Ma[ts] Customs be sent to; desireing that they would please to Send in two dozen of the Books of Rates and two dozen of the late Acts of Parliam[t] touching the plantacōn Trade for the Vse of the Severall Counties of the Province.

His Ex[ncys] proposall abt the Ships &ca & Ord[r] thereon

Vpon a proposall made by his Ex[ncy] to Cap[t] Josiah Daniell Command[r] of his Ma[ts] hired Ship the Prince of Orange, in p[r]sence of the hon[rble] his Ma[ts] Councill & Justices of the prov[ll] Court, which way he thought best for his Ma[ts] Service that the Ships now in this Province might be Obliged to Joyne the Commodore in Virginia and whether it might not be best that they meet together

in Some Convenient place so th^t they may all go down together; to which the s^d Cap^t Daniell makes Answer that it will Conduce most to his Ma^ts Service that they all goe down together and proposes that an Ord^r may Pass that the Ships up the Bay may Joyne him at the mouth of Petuxant River, and that the Ships up Potomock may meet at the Mouth of S^t Maries River, to whom he Says he Can Easily give Notice when they Saile, and that they give good Bond for the performance thereof; which was Agreed to and Ordered thereupon as it is hereby Ordered that all the Ships up the Bay do give Bond at their Clearing to goe down to the Mouth of Petuxant River to Joyne Cap^t Josiah Daniell (Commander of his Ma^ts hired Ship the Prince of Orange there) And all the Ships up Potomock to meet at the Mouth of S^t Maries Riv^r in Ord^r to Saile all down together with Cap^t Dan^ll afores^d to Joyne the ffleet in Virginia under the Conduct and Command of the hon^rble Cap^t Charles Wager Comodore of the Virg^a and Maryland ffleet, and that what Ships are in Pocomoke District do Give Bond to Joyne the Comodore in Virg^a hereby strictly charging the Severall Collecto^rs and Nav^ll Officers of this Province to take due Notice hereof and Conform themselves accordingly. Lib. H. D.

At a Councill held &c^ca December the 15^th 1696.

Present

His Ex^ncy ffrancis Nicholson Esq Cap^t Gen^ll &^ca

S^r Thomas Laurence Baron^t Secretary
Thomas Tench Esq
Coll: John Addison
Coll: John Courts
Thomas Brooke Esq
} Whitehall

Ord^r abt the three pence p hhd to be Collected by George Plater Esq &c

Ordered that the Additionall Duty of three pence p hhd due to the Countrey and Given by an Ordinance of Assembly towards the Building of a Church at Annapolis, for and during the Space of One whole year be not collected by any of the Navall Officers of Petuxant or Potomock District, during that time but that the Same be Collected by George Plater Esq Coll^r of Petuxant District and his Dep^ties and George Muschamp Esq Coll^r of Potomock District, whereof the Severall Coll^rs and Nav^ll Offic^rs are to take due Notice, and that what Duties are Collected by Major Robert King Navall Officer of Pocomoke District, the Bills for the Same, together with the Whitehall

Lib. H. D. Acco^{t} thereof are by him to be instantly transmitted to George Plater Esq at Petuxant.

Ord^{r} abt the Sheriffs having liberty to goe out of their Counwhile the ffleet Stays &ca

Vpon a Peticõn preferred by M^{r} Walter Cambell high Sheriff of Dorchester County humbly praying a favourable dispensation at p^{r}sent of a late Ord^{r} from this Board Commanding that noe Sherriffe shall depart his Bayliwick without the particular leave of his Ex^{ncy} ffirst had &^{ca} setting forth that he

Whitehall should not otherwise be capable of Defraying the publick and County Leavy and Officers ffees in Tob^{o} that being a Poor County and dealt generally in Provisions, which by traffiqueing into the Adjacent Counties, he was thereby Capable of

p. 444 converting the same into Tob^{o} for the discharge of such Publick Dues &^{c} And also upon the Application of Maj^{r} W^{m} Whittington high Sheriff of Somerset County humbly praying that he might be permitted to Come over the Bay having some Acco^{ts} which he must necessarily settle before the ffleet goes out; Ordered thereupon that the Sheriffs of the respective Counties within this Province be permitted to goe about their Lawfull Occasions into another County dureing the ffleets stay in the Countrey, but that the fformer Ord^{r} afterwards be fully complyed withall.

John Popes Petition for having M^{r} Sam^{ll} Withers Sheriffs Bond put in Suit being Read was Ordered, and indorsed accordingly.

December the 15th 1696.

Ord^{r} abt the Court of

Whitehall Chancery & Govern^{r} & Councill &ca

Vpon further Representation, Ordered that the Court of Chancery sit at the Port of Annapolis the last Tuseday in ffeb^{ry} next and the Commissaries Court at the same time, and that the Provinciall Court do sit the ffirst Tuseday in May after and that the Court of Chancery do again sit the last day of the s^{d} Court and the Govern^{r} and Councill for hearing Appeales & Writs of Error two days after hereby Commanding the Sherriffs to make the same publick.

Ord^{r} abt the Eastern Shore Business &ca

Ordered that if any Person (coming from the Eastern Shore) have Business depending in the prov^{ll} Court and Court of Chancery or before the

Whitehall Govern^{r} and Councill, at one time, such person may have a dispatch of the same sooner notwithstanding the former Ord^{r} hereby directing that the Provinciall Docquet be inspected to Examine whether there be any such, to the End the Courts may be appointed and the Lawyers have Notice accordingly.

Ordr to George Plater Esq to deliver up all Madam Blackistons papers &ca

Ordered that George Plater Esq his mats Collr and Receiver for Petuxant District do upon Sight hereof Surrendr up unto George Muschamp Esq. Collr and Receiver of his Mats Customs, in Potomock District, all Madam Blackistons papers now in his Custody, and all other Papers relating to his Mats ffines and other Duties &ca arising and becoming due within the Counties of Sts Maries Charles & Prince Georges, in Ordr to be taken Care off by the sd Mr Muschamp the same being now by Commission within his Collection. Lib. H. D. Whitehall

Wm & Mary Parish excused for not sending at prsent

Coll: Courts affirming that the Vestry of William and Mary Parish have a List of Marriages Ready and their proceedings pursuant to Ordr &ca (which he says he will take Care Shall be Speedily Sent) are Excused for not sending at prsent.

Ordr abt Mr Collyers paymt of 20: odd thousand pounds of Tobo to Mr Marsham

Came Mr Richard Marsham of Calvert County and humbly moves this honrble Board, that having obtain'd Judgmt against Mr Thomas Collyer in the Provll Court of this Province, some time last Summer for 20: odd thousand pounds of Tobacco but the sd Collyer acting at prsent by Commission under his Excncy does Pray an Ordr of this Board that Execution may issue agt him upon the sd Judgment whereby he may be Enabled to Get Satisfaction for his sd Debt; Ordered thereupon as it is hereby Ordered that the Petitionr send to the sd Mr Collyer about it, and if in Case he Neglects or Refuses to make Speedy Complyance therein, his Excncy will upon Notice thereof displace him and leave him open to the Law.

Ordr abt Mr Watkisons debt to be made an End of in the Court of Chancery &ca

The sd Mr Marsham does likewise humbly move, That having obtaind Judgmt against Cornelius Watkison in Calvert County Court for 30: odd pounds upon a protested bill of Exchange, the sd Cornelius hath since obtaind an Injunction in Chancery to Stop proceedings, whereby to delay paymt of the Debt, does therefore pray that an Ordr of this honrble Board may pass to put a Speedy End to the sd matter; Ordered that the same be Referred to the Court of Chancery for them to make a Speedy End thereof.

Proposall abt Materialls for the Church & Schole worke

Proposed that what Materialls Wm ffreeman the Bricklayer wants for the Church, and Schole Worke, his Excncy will send to Mr Perry in Londo for the same who will purchase them as cheap as any other person.

Lib. H. D.

Decembr the 16th 1696.

Clause of an Ordr of Councill Sworne to &ca

That what person soever shall discover any Disturbance likely to happen within this his Mats Govrnmt shall have a Reward of 20ll Sterl. & if a party Concern'd shall have his Pardon.

The above is a Clause contained in a Certain Ordr of Councill of the above date; issued and sent to each respective County of the Province.

Henry Denton Cl. Concil.

Sworne to, in Open Court by Mr Denton as a true Copy.

Chr: Gregory Clk.

Mr Bouye Oath &ca

I John Bouye being Clerk of the Comissary's Office this three years past do declare that directly or Indirectly his Excncy ffrancis Nicholson Governr of this Province never did Comand or Order me to doe or Act in anything or Cause whatsoever Contrary to Law or the Usage of this Province, and no more but given me strict Ordr to be Carefull of the Records & to be diligent in my Office of Clarkship. This I doe Sincerely declare, as Witness my hand this 14th December 1696.

Jurate in Cur die & anno Supdcis J. Bouye.
H Wriothesley Clk of
the Provll Court.

Mr Wriothesley's Oath

I the subscriber doe Solemnly Swear that I have been Constituted and Comissionated to be Clerk of the Provll Court under the Honrble Sr Thomas Laurence Baront
p. 82 Secryr of this Province of Maryland for the space of three years or thereabouts, and that since the time I have been in the sd Office, his Excncy ffrancis Nicholson Esq the prsent Governr of the Province hath not either directly or Indirectly comanded me to issue out of the Secrys Office any process whatsoever against any person or persons contrary to the Laws of England or any of the Laws and Customs of this Province. In testimony whereof I have hereunto set my hand this 14th day of December Anno Domini 1696.

H: Wriothesley Clk of the Provll Cort.

Jurate in Cur: die et Anno Supdcis.

December the 12th 1696.

Maryland ss

Mr Bladens Oath &ca

I William Bladen do hereby Solemnly declare that as I am Clerk of the House of Burgesses or Assembly of this Province Clark of St. Maries County

Court and Clerk of the Indictm^{ts} in Prince Georges County Lib. H. D.
that I never had any directions or Com̄ands from his Ex^{ncy} our p^{r}sent Governo^{r} to Act or do anything whatever belonging to my Office either for, or in p^{r}judice of any person or persons whatsoever, nor any advice or Instruction from his Ex^{ncy} further then to be dilligent in my Duty to Dispatch the Countrey Business, nor Ever had so much as the thoughts of giving any part of the proffit or perquisets of my Offices to his s^{d} Ex^{ncy} or any Guift or p^{r}sent to him for Conferring them upon me so help me God and his holy word.

Jurat in Cur 12° Decem^{rs} 1696. W. Bladen.
H: Wriothesley Clk.

Maryland: ss.

Oath of some of the Councill abt his Ex^{ncys} Governm^{t}

We the Subscribers being Members of his Ma^{ts} hon^{rble} Councill of this Province, do hereby Solemnly declare that we have not at any time, either directly or Indirectly Received any directions or Com̄and from his Ex^{ncy} the p^{r}sent Gov^{r} to do any illegall Act or thing whereby Justice may be perverted or to Regulate or Square our Actions contrary to the Station and places of his Ma^{ts} Councill^{rs} in w^{ch} his Ma^{ty} hath been pleased to place us here; Given under our hands this 15th day of December in the Eighth year of his Ma^{ts} Reign &^{ca}

Annoq Domini 1696.

John Addison
John Courts
Tho: Brooke

Maryland ss:

Oath of the Justices of the Provinciall Court abt his Ex^{ncys} Government

We the Subscribers Officiateing by Commission, in the Quallifycac̄on of his Ma^{ts} Justices of the Prov^{ll} Court of this Province do hereby solemnly declare that we did Never directly nor Indirectly Receive any Com̄and or direction from his Ex^{ncy} the p^{r}sent Govern^{r} for the doing any illegall Act or thing whereby Justice might be perverted or the Law Strain'd beyond its p. 83
due limits, either for the ffavouring or punishing any particular party or parties, but that both the Generall & particular Com̄ands We have always Recd from his Ex^{ncy} have been to see Speedy Justice done & good Rules made for the more Effectuall putting in prosecuc̄on all the Laws of England & of this Province; Given under our hands this 14th day of December in the Eigth year of his Ma^{ts} Reign &^{ca} Annoq Domini 1696.

Robert Smith, Philip Clarke, Jn° Ham̄ond, Tho: Tasker, Philip Hoskins, Thomas Staley, and Rich^{d} Hill

Lib. H. D. Sworn unto in Open Court before the Hon^rble S^r Thomas Laurence Baron^t one of his Ma^ts hon^rble Councill the day and year abovesaid.

H: Wriothesley Clerk of the Prov^ll Court.

Mr Hen: Denton's Oath. I Henry Denton doe hereby Certifye and declare that whereas I have had the ffavour to Enjoy Severall places of proffitt since the Arrivall of his Ex^ncy ffrancis Nicholson Esq within this Province; Viz^t Clerk of his Ma^ts hon^rble Councill of State & in the Assembly, Reg^r of his Ma^ts Court of Vice Admiralty on the Western Shore & Navall Offic^r of the Port of Annapolis, the which I now hold by his Ex^ncys particular favour; but never gave the least gratuity or reward for the Enjoym^t of any of the s^d places, neither at any time did I ever Receive any directions or Comand either directly or Indirectly to do any thing Contrary to my Duty in the Execution of any of the s^d Offices.

Jurat in Cur 12° Dec^rs 1696. Hen: Denton.

H: Wriothesley Clk.

Mr Watkins Oath about his Exncys Governmt I under written doe swear that I have been Employed by his Ex^ncy ffrancis Nicholson Esq^r Govern^r of Maryland &^ca as Nav^ll Officer of Petuxant District and I doe declare th^t during the time I have served in th^t Office I never had or received any other instructions from him then to be dilligent and see the Laws of Trade and Navigacon carefully observed and put in Execution and that I never was pressed by his Ex^ncy to do any thing in my s^d Office but what the Law would Justifye me in and that I doe not pay any premium for my s^d Office to his s^d Ex^ncy directly or Indirectly in any wise whatsoever.

Jurat in Cur 12° Dec^rs 1696. S: Watkins

H. Wriothesley Clk.

I Kenelm Cheseldyn doe depose upon my Oath that having
p. 84 been ab^t three years Commissary Gen^ll under his Ex^ncy Colonel Nicholson his Ma^ts p^rsent Govern^r of this Province of Maryland and also one of the Masters in Chancary for some time and one of his Ma^ts Justices for S^t Maries County Court in the s^d Province ag^t his Ex^ncy did never advise Councell or by any way or means influence me in any the s^d Offices, to doe otherwise but what I was Obliged by Law and Equity to doe, and did always advise me to Act therein according to the best of my Skill and knowledge in the Same, and further that he Granted me the s^d Place, without any Consideracon given, and

believe the same was granted of his own free will, and by Advice of the hon^rble^ the Councill of the Province. Lib. H. D.

Jurat in Cur die et Anno Supdcis K: Cheseldyn
H: Wriothesley Clk: of the prov^ll^ Court.

Mr Dents Oath abt his Exncys Legall Governmt

I under written do Testifye that I have been some years in his Ma^ts^ Service within this Province as Sollicito^r^ Gen^ll^ under the p^r^sent Govern^rs^ Conduct and by his Comand and during that time I have been often Comanded to Attend his Ex^ncy^ but in all that time I can and doe say that his Ex^ncy^ neaver Required advised or Comanded me to prossecute or doe any thing Contrary to or against Law or Ever Comanded me to strain or Urge any thing ag^t^ any man Contrary to or beyond the Law but to the best of my remembrance hath Constantly and at all times Comanded me to proceed according to the Law but neaver as I know Urged me to any thing beyond what the law warranted and to the best of my knowledge I have not in the s^d^ Service Acted Contrary to Law.

Jurat in Cur 12° Dec^rs^ 1696.
H: Wriothesley Clk:

Mr ffreemans Oath about his Exncys Legall Governmt

I John ffreeman (who have been for the Space of two years and almost three months, and am still, Register of the high Court of Chancery for the Province of Maryland) do upon my Oath and with all Sincerity testify and declare, That his Ex^ncy^ ffrancis Nicholson Esq Cap^t^ Gen^ll^ & Govern^r^ of this Province did never directly nor Indirectly, (by any Comand or other means what soever) enjoyn or Require me to Act or doe any matter or thing contrary unto any Law, Statute, Usage or Custom of England or of this Province; nor to use partiallity for or ag^t^ any person, in any Cause commenc'd or depending in the s^d^ Court, And in all doubtfull & difficult Cases wherein (by reason of the absence of the Chancelo^r^ or other p^r^sons principally Concernd) I have been necessitated to Request his Ex^ncys^ directions, This only Answer have I allways recd: (to wit) That it was his pleasure & Comand that I should Consult the Law and advise with the proffessors thereof: and upon due Information act according to their Instructions and the Degrees Rules and Orders of his Ma^ts^ high Court of Adm^llty^ without respect of persons or delay of Causes. Nor do I know or believe th^t^ his Ex^ncy^ ever Received any Guift, or so much as a promise of any Guift whatsoever, from any person, to Conferr any place or Office, or ffavour any Cause, p. 85

Lib. H. D. Nor doe I believe th^t any of his Ma^ts Subjects in this Province have any Cause to Complain against his Ex^ncys Governm^t

To the Truth whereof I do heartily Subscribe

John ffreeman, Reg^r in Chancery.

Sworne Dec^r 14° 1696. before the Principal Justices in Open Court at Annapolis. H. Wriothesley, Clk:

Mr Platers Oath given about his Exncys legall Governmt.

I under written do swear that I have been Imploy'd as Attorney Gen^ll of this Province under his Ex^ncy the p^rsent Gov^r ever since his Arrivall in this Province and that I never had any Instructions or advice from his Ex^ncy during the time aboves^d either directly or Indirectly to prosecute any person or persons ag^t Law, and that I never was asked or demanded gratifycation or Reward for my Place of Attorney Gen^ll.

And I do further declare upon my Oath, that having for the time afores^d been appointed Collecto^r and Receiver of Petuxant District, I never was Directed by his Ex^ncy the Gov^r to advance or increase any ffees, or alter any for his Ex^ncys Interest more than the Law directed nor to doe or Act any thing or things as Collect^r & Rec^r afores^d contrary to Law.

12° Dec^rs 1696: George Plater.

Then Came the above Named George Plater Esq & made Oath upon the holy Evangelist that the Contents aboves^d is the Truth.

H: Wriothesley Clk.

December the 16^th 1696.

The Councill again Sate and were p^rsent as yesterday

Ord^r abt due Complyance to be made by all Offic^rs

This Board having taken into consideracō̄n the evill Consequences th^t doe dayly happen to this his Ma^ts Governm^t occasion'd Cheifly through the remissness of the officers thereof in the strict performance of their duty, are pleased to Ord^r as it is hereby Ordered that the Sherriffs in the ffirst place look well to the discharge of their

Whitehall Duty and of the great Trust and Confidence reposed in them, and that they take Special Care duly to execute all precepts, and punctually observe and Obey all Ord^rs of his Ex^ncy which from time to time they shall Receive, under penalty of being displaced and prosecuted according to the Utmost Rigour of the Law; And that they give notice in generall to all Offic^rs Military and Civill within their respective p^rcincts to be diligent and Circumspect in the Execution of their severall Offices and places; His Ex^ncy being pleased openly to declare it to be

his ffirm Resolution that those p[r]sons that make due Compliance in the Just performance of their Duty may expect all imaginable ffavour he Can Shew them, but on the Contrary deserved punishment That what person soever shall discover any disturbance likely to happen within this his Ma[ts] Government shall have a Reward of Twenty pounds Sterl. and if a Party Concern'd shall have his Pardon; His Ex[ncy] is further pleased to declare that as for himself he thanks God, he has and shall discharge his Duty to God and the King and shall Endeavour to doe all the good for the Countrey he is Capable off being the Reasons that induced his Ma[ty] to send him hither. Lib. H. D.

Persons discovering disturbances &c to have a Reward of 20lb

Lastly his Ex[ncy] is pleased to declare that he shall take it as a particular kindness from any person that shall in a Modest and Dutifull manner truly inform him how the Glory of God, his Ma[ts] Service and Good of the Countrey may be better promoted and how any of these are neglected, and does further Command all p[r]sons whatsoever to doe the Same.

Ephraim Wilsons psecution Order'd to be stopt &c

M[r] Ephraim Wilson late high Sherriff of Somerset County having Return'd a list of Supernumerary Tythables sworne to pursuant to former Ord[r] is (upon his Application & motion by a Letter sent setting forth his p[r]sent indisposition) Ordered to be dissmissed from further prosecution and he is hereby dismissed accordingly.

His Ex[ncy] is pleased to Demand of the Board if they have any thing else importing his Ma[ts] or the Countreys Service for to Offer at p[r]sent, who say they have not. p. 445 Whitehall

A List of such Persons as have neglected to make Returns to all Orders of Councill in December Anno 1696 Viz[t]

In S[t] Maries County.

Severall p[r]sons to be p[r]secuted out of each County for not making due Returns as p Ord[r] folio 428

M[r] Robert Mason high Sherriff for not Returning an Acco[t] of the Justices Sitting and not Serving the Clerk with the Ord[r] about returning the County Leavy and the Ord[r] about the Non Ests.

All the Justices of the s[d] County for not Causing a List of marriages to be returnd. All the Vestrymen of both Parishes in the s[d] County, for not returning a transcript of their whole proceedings, and the List of Marriages in that manner the Ord[r] prescribes.

Coll: Cood for not making Oath to the Supernumerary Tythables.

Constable of New Scotland hundred for not Returning a 2[d] List of Taxables.

Lib. H. D. In Prince Georges County.

Mr Thomas Greenfield Sherriff for not returning an Accot of the Justices sitting.

All the Justices of the sd County for not Causing a List of marriages to be Return'd. All the Vestrymen of the sd County p ditto.

The Clerk of the sd County Court for not Returning an Accot of the Justices sitting.

In Baltemore County.

Majr James Maxwell Sherriff for omitting to make Return to almost all the Orders Returnable last Councill.

All the Justices of the sd County, for not Returning a List of Marriages & Certifying their having finished all Business.

The Vestrymen of St Pauls Parish, for not Returning a List of marriages and proceedings.

Coll: John Thomas for not making Oath to the Supernumerary Tythables.

In Talbot County.

All the Justices of the sd County, for not Causing a Return to be made about their ffinishing all Business.

All the Vestrymen of St Michaells, St Pauls & St Peters Parishes in the sd County for not making a Return of their proceedings; as also St Michaells Vestry for not Returning a List of Marriages.

In Somerset County.

Majr Wm Whittington Sherriff for not returning an Accot of the Justices Sitting and of the Ordr about the Non Ests.

All the Justices of the sd County for not Certifying their having ffinished all business and Returning Lists of Marriages.

p. 446 The Vestrymen of all the Parishes in the sd County except Snow hill, for not returning Lists of Marriages and their proceedings.

John West former Clerk of the sd County for not returning the County Leavy & an Accot of the Justices Sitting.

In Calvert County.

Mr George Lingan Sherriff for not Returning an Accot of the Justices Sitting & of the Ordr about the Non Ests.

All the Justices of the sd County, for not Certifying their having ffinished all Business and Returning Lists of Marriages as the Ordr directs.

All the Vestrymen of Christ Church, S^{t} Pauls and all ffaiths parishes for not returning the Lists of Marriages and their Vestry proceedings. Lib. H. D.

The Clerk of the s^{d} County Court, for not Returning an Acco^{t} of the Justices Sitting.

In Charles County.

All the Justices of the s^{d} County for not Returning List of Marriages.

All the Vestrymen of Portobacco & Nanjemy parishes for not Returning a Transcript of their proceedings; as also the ffirst for not Returning a List of Marriages. The Clerk of the s^{d} County Court for not Returning an Acco^{t} of the Justices sitting.

In Cæcil County.

Coll: W^{m} Peirce Sherriffe, for not Returning an Acco^{t} of the Justices Sitting. and about the Constables taking a List of Taxables and of the Ord^{rs} ab^{t} the Non Ests. All the Justices of the s^{d} County, for not certifying their having ffinished all Business & Returning List of Marriages.

All the Vestrymen of North & South Sassafrax parishes for not returning a List of Marriages & their Vestry proceedings.

The Clerk of the s^{d} County Court, for not returning an Acco^{t} of the Justices Sitting.

M^{r} John Carvile for not making Oath to the Supernumerary Tythables.

In Dorchest^{r} County.

M^{r} Walter Cambell Sherriff, for not Returning an Acc^{t} of the Justices Sitting.

And about the Ordinance of Assembly for quieting the minds of the people & of the Ord^{r} about the Non Ests &^{ca}

All the Vestrymen of Great Choptanck & Dorchest^{r} Parishes for not Returning a List of marriages; as also the latter for not Returning a Transcript of their ꝓceedings.

The Clerk of the s^{d} County Court for not returning an Acco^{t} of the Justices Sitting.

In Kent County.

All the Vestrymen of Kent Island & S^{t} Pauls Parishes for not Returning a Transcript of their proceedings; as also the ffirst for not Returning a List of Marriages.

The Constables of the Lower hundred & Upper hundred of Chester River for not Returning a 2^{d} List of Taxables.

Lib. H. D.

December the 16th 1696.

p. 441 Ordr abt the Ships tht come in after the ffleets Sayling.

It being proposed by his Excncy whats to be done with the Ships that shall be left behind or that shall happen to Come in after the ffleet is Sayl'd, whether they shall be stopt to go in a ffleet together or to goe Single as they get ready, and which will Conduce most to his Mats Service, Where upon after a full Debate therein had it is Resolved and Ordered that if there should not happen such a number of Ships and of Good Countenance as were upon Making up the ffleet last year that then they be permitted to Sayle as fast as got Ready pursuant to fformer Ordrs & Advice in Councill.

Whitehall

Ordr abt the Assemblys being prorogued if Occasion.

Ordered (if in Case no Extraordinary Occasion happen out) that the Assembly be prorogued for Some further time; and that timely notice be given thereof.

Ordr abt the Rangers not to be Arrested

Vpon Representation, Ordered that none of the Rangers imploy'd in the publick Service of the Countrey be lyable to any Arrest for debt during their being Actually in Service; but that where any Debt is Claim'd from them so that they will not make Complyance, that then upon Complaint to his Excncy care will be taken that such Debtor be turn'd out and another person put in his Stead; hereby Commanding the Sherriffs of Charles, Baltemore & Prince Georges Counties to take due notice hereof and publish the same accordingly.

Whitehall

Ordr to the Severall County Courts to Adjourn &ca

Ordered that the Comrs of the respective County Courts of this Province Cause a Grand Jury to be Summoned in Janry next, and that if please God, such weather should happen that the Courts cannot then sit to do business, that they thereupon Adjourn to some time in ffebry without ffaile and that the Sherriffs publish this Ordr and that the papers and Depositions against Mr Cood and about calling the Assemblys and Raising money &ca be then again Read a new and that the Sherriffs and their Deputies Carry Copyes of the sd papers about with them to Satisfye the people for ffear of ffalse Reports; so that if any disturbance should happen, which God fforbid, they cannot pretend ignorance of being fforwarn'd in all these things.

Whitehall

Ordr to the Sherriffs to Raise the

Ordered that in Case of any Riotts or insurrection, which God fforbid, the Sherriffs of the respec-

posse of their Counties if Occasion shall Require.

tive Counties do immediately raise the Posse of their Counties and Vse their Authority to Suppress them and acquaint the Militia Officers therewith, as also forthwith send an Express thereof unto his Ex^ncy and so Continue Sending one Express after another untill they are ascertain'd his Ex^ncy has notice thereof. Lib. H. D. Whitehall

Ordr abt Mr Clark's dismissal from Acting in any of his Mats Corts at Law

Ordered that M^r Philip Clarke be henceforth dismissed from acting as a Justice of the Provinciall Court of this Province and from pleading in any of his Ma^ts Courts within the same, and he is hereby accordingly dismissed, Commanding the Sherriffe of S^t Maries County, to Serve him with this Ord^r Whitehall

Quære abt Mr Cood &ca

Quære whether M^r Cood ought not to be Suspended from Acting as a Vestryman in King and Queen Parish in S^t Maries County and that his Ma^ts Councill at Law Return their Opinion therein accordingly. p. 442 Whitehall

Ordr abt the Court of Chancery Sitting every two months

Vpon Representation and the Complaint of diverse persons Rec^d Ordered that the Court of Chancery do for the future sit every two months, that speedy Justice may be done and the Causes there brought not so Delay'd and prolong'd. Whitehall

[Order on Ashwick's Petition.]

December the 16^th 1696.

Ordr for a Commission to be issued abt a Spll Cort

The within Peticōn & Report thereon, being Read His Ex^ncy in Council was pleased to Ord^r as it is hereby Ordered th^t a Commission issue out of the Secry^s Office accordingly therein Constituting Cap^t William Barton, M^r Hen: Hawkins Maj^r James Smalwood, M^r Philip Brisco, M^r Joseph Manning or any three of them; whereof the s^d W^m Barton or Henry Hawkins to be always one to hear & ffinally determine the matter in question by a Jury of Twelve good & Lawfull men of the Neighborhood, for th^t purpose to be summoned tryed and Sworne & th^t the s^d Com^rs meet at the Court House in Charles County on the 20^th day of Jan^ry next for the s^d End & purpose & th^t the Usuall Dedimus to County Commissions be likewise thereto annext for the taking the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy as also the Oath of a Commission^r of th^t Special Court & that they Subscribe to the Test & th^t a Clause therein be inserted for them to Adjourn from day to day & from time to time untill the s^d matter by them be fully Ended & determined.

Lib. H. D.

[Report in Mr. Greenberry's Case.]

Decemb^{r} the 16th 1696.

The Same Came Reported thus, Viz^{t}

Mr Dent & Mr Goldesborough desire to be Excus'd from making Report on the above Ordr abt Coll: Greenberry

Whitehall

May it please yo^{r} Ex^{ncy} We the Subscribers being the one of Us concern'd for S^{r} Thomas Laurence who has brought an Action ag^{t} Coll: Greenberry ab^{t} this Revenue, and the other for the Def^{t} do humbly pray that we may be Excused from making any Report upon this Ord^{r}

Yo^{r} Ex^{ncys}
humble Servants
Will^{m} Dent
R. Gouldesborough

Decemb^{r} the 16th 1696.

Mr Platers Report on the s^{d} Ordr abt Coll:. Greenberry

May it please yo^{r} Ex^{ncy}

I am of Opinion that the late Act of Assembly does not allow of any paym^{t} made out of the Revenue by S^{r} Edmund Andros his Warrant.

Yo^{r} humble Serv^{t}
George Plater

Ordr abt Coll Greenberry's having notice of the s^{d} Report

p. 428

Ordered thereupon that his Hon^{r} Coll: Greenberry have Notice thereof and that George Plater Esq his Ma^{ts} Receiver take Caution of him to have the s^{d} 150^{l} forth coming untill his Ma^{ts} pleasure shall therein be known being hereby left to lay the State of his Case before his Ma^{ty} thereabout.

Ordr to the Vestrys to make Return abt the Churches

Whitehall

Ordered that the Vestrys of the respective parishes within this Province make Return what forwardness the Churches are in and whether ffinished according to Contract and paid for, and whether the ground the same stand on is purchased & made secure to the parishion^{rs} to the End if it should not, an Act of Assembly may be procured for the Same, and that the Severall Vestrys have the s^{d} Acco^{ts} ready for his Ex^{ncys} perusall ag^{t} he comes and visitts the s^{d} Churches, which (God willing) he intends very shortly and that the Sherriffs Serve them Severally with a Copy hereof.

Ordr to the Vestry of King & Queen parish abt One hundred Acres of Land.

Whitehall

Ordered that the Vestry of King and Queen parish in S^{t} Maries County make inquiry of Cap^{t} Slye concerning one hundred Acres of Land, Said to be given to the Church by M^{r} Thomas Gerrard Sen^{r} and that the s^{d} Vestry take Care to get the Bounds thereof Rune out before the s^{d} Cap^{t} Slye depart the Countrey and that they be served by the s^{d} Sherriff with this Ord^{r}

Capt Slyes complaint abt the Church at Wiccocomoco & Ordr thereon

Vpon Complaint made by Capt Gerrard Slye how that the Church built at Wiccocomoco for King and Queen parish in St Maries County is placed upon Land belonging to the sd Capt Slye without any purchase orSatisfaction made for the Same; Ordered that the Vestrymen of the sd Parish make Return unto his Excncy in Councill &ca how the sd Matter is, and that they have notice to doe the same by the Sherriff of the sd County. Lib. H. D. Whitehall

Ordr to the Colonels to see their Troops & Companys well fited agt his Excncys coming to see them

Ordered that the Colonel of each respective County give directions to the Cheif Officer of the Severall Troops and Company's under their Command for to have their sd Troops & Company's well fitted and in good Ordr ready prepared Severally to make Answer to their Names according to the Lists or Muster Rolls of them taken; against his Excncys coming to see them Exercised, which he intends (God willing) very shortly. Whitehall

Ordr for prosecucōn of all prsons tht have not made due Returns &ca

Ordered that due prosecution be made by Mr Attorney and Sollicitor Genll agt all persons that have faild to make due Returns & yeild Obedience to the Severall Ordrs of Councill hence issued & tht a Copy thereof be delivered to them by the Clerk of this Board accordingly. Whitehall

Ordr to the Srffe of Prince Georges County to Sumons Coll Darnall

Ordered that the Sherriff of Prince Georges County do upon Sight hereof Summons Coll: Henry Darnall so that he be and appear before his Excncy the Govr at the port of Annapolis & bring with him all Navigacōn Bonds and Certificates remaining in his Custody in Ordr to deliver up the same before he departs the province. Whitehall

Ordr abt Navigacōn bonds to be dd by Esq Layfield

Ordered that George Layfield Esq Collector of his Mats Customs of Pocomoke District do with what Convenient Speed he can produce before the honrble Coll: Charles Hutchins, and Majr Robt King & deliver up upon Oath all Navigation Bonds and Certificates taken by Coll: Willm Steevens in his life time, remaining in the possession of the sd Esq Layfield the wch (after such Oath made) are to be lodged with the sd Coll. Hutchins, a due Return whereof is to be made unto his Excncy at the Port of Annapolis with all Convenient Speed. Whitehall

Lib. H. D. Ordr to be consulted by the Kings Lawyers abt the Nonests

Ordered that it be Consulted by the Kings Lawyers what is to be done abt the Nonests Return'd and whether the Returns should not be according to the Laws of England within a small Compass of time, that Speedy Justice may be done.

The Same Came Reported as followes, Vizt

p. 429

To his Excncy the Governr & Councill &ca

December the 14th 1696.

The Lawyers Opinion abt the Nonests &ca

In Obedience to yor Excncys Commands of the 11th instant for us to consult what is to be done abt the Nonests returned and whether the Returns should not be according to the Laws of England within a small Compass of time &ca We humbly Offer that if any Sherriff hath made Returnes of Non est Inventus without doing his utmost Endeavour to take the party Deft at the Kings Suit such Sherriff may be ffined at the Kings suit upon the matter proved against him but in some cases such return's cannot be Avoyded; And as to the Making Shorter day's of Returnes We conceive that it cannot be reduced to the practice of England without great charge and inconveniencye this Countrey under its prsent Circumstances being not Capable of such a Course of Practice for want of a Publick Post Office to give Speedy conveyance of Proses into Every County and Return the same and without such Office or Speciall messinger for that purpose appointed we cannot see how this Countrey can comply with the practice of England.

Mr John Wight constituted Coroner in the Room of Mr Bradley.

Vpon Repsentacon Ordered that Mr John Wight be Constituted and appointed one of the Coroners for Prince Georges County in the Room and stead of Mr Danll Bradley and that the sd Bradleys Name be Razed out of the Comission granted him (being here psented) and the sd Wight's name inserted therein, which was according done at the Board and given to the honrble Esq Brook's for to deliver to him.

Motion made by Sr Thomas abt process & Ordr thereon

Whitehall

Vpon motion made by the honrble Sr Thomas Laurence Baront Secretary whether process had and taken out of the Secretary's Office in behalfe of the King should be done ex Officio or not, and if to be paid how ffees for such process shall be paid and by whom; Repsenting likewise that there were Several Sorts of process

issued forth of his Office for which noe ffees had as yet been Setled by Law, therefore desired some settlem[t] of the Same by this Board:—Ordered that it be Referred to M[t] Attorney and Solicito[r] Gen[ll] and his Ma[ts] Counsell at Law to Consult the s[d] Cases and Return their Opinion thereon unto this Board with all convenient Speed. Lib. H. D.

The which came Reported as followes, Viz[t].

The Report of his Ma[ts] Councill at Law upon S[r] Thomas's motion

In Obedience to yo[r] Ex[ncys] Commands relating to the hon[rble] his Ma[ts] Secry. S[r] Thomas Laurence We humbly Offer that his Hon[r] has been pleased to lay before Us a Catalogue of such ffees as he Conceives are not Setled by the Act of Assembly which we have hereunto Annexed, many of w[ch] ffees are already setled in the s[d] Act of Assembly which we have put ffirst in the paper, and those that are not ascertain'd We have placed them afterwards in the Catalogue with such ffees as we Conceive most agreeable in the Law to be Annex't to them, if yo[r] Ex[ncy] see fit (to wit) Writs of Habere facias possessionem, procedendo, Restitution, Venditioni Exponas & Replevin We take to be of the Nature of Executions; the Law having allowed 28: for an Execution, We Conceive the same may be allowed on these.

Dedimus potestatem to Examine Wittnesses, habeas Corpus and Certiorari Commission to Audito[rs] Elegit and Warrant of Resurvey being of a larger Extent than the other and in the Nature of Instrum[ts] under the Seal which the Law allowes 50 for. p. 430

We Conceive the same ffees may be allowed on these.

A Writ of Diminution We take to be in the Nature of a common Capias and therefore the same ffees allowable for them.

As to ffees in Criminall Cases or where the King is Concern'd the Act hath made provission by Ordaining that the same ffees shall be taken as in Tobacco at one penny ℔ pound; and in Cases where the King proceeds by Action and Recovers or by Indictm[t] and Convicts the Defend[t] there we conceive the Def[t] ought to pay the fees, but where it appears that a party has done no Wronge in Criminall Matters or owes not the debts Claim'd by the King in Civill Cases there we Conceive the party ought not to pay ffees to the Secretary more than to the Sherriff that Executes the Process issuing from the Secretary and the Law hath Ordained that in such Cases the Sherriff shall not Exact or Require any ffees for Executing such process, but shall do and perform the same ex Officio and so we Conceive the Secretary ought untill that

Lib. H. D. matter shall be setled by Govern[r] Councill & Assembly. All which We

humbly Submit to yo[r] Ex[ncy] & are
Yo[r] Obedient Servants
George Plater
W[m] Dent
R. Gouldesborough

The List followes, Viz[t]

A List of S[r] Thomas his ffees allowed him.

A List of ffees Delivered Us by S[r] Thomas Laurence to Consult a Supposing them setled by Act of Assembly.

Venire fac: & Ret . .	28	County Co[r]t Commissions &[ca]	350
Speciall bail in Court .	12	Ne Exeat p[r]ovinciam	120
Recogn. in Court . .	12	An Injunction . .	240
Shrffes Comissions every one is 240 a peice		Audita Querela . .	120
		ffiling Demurer . .	16

Whitehall These we find all Setled by the Act Already.

These following ffees are not Expressly Setled, but we Conceive they may fitly and Justly be Setled in this manner.

Hab: fac: possessionem procedendo } Being both Executions at 28 each as other Executions are in the Law.

Replevin 28

Dedimus to Examin Witnesses
Hab: Corp: & Certiorari
Commission to Audit[rs]
Elegit & Warr[t] Resurvey

} These being in the Nature of Instrum[ts] under the Seal mention'd in the Act & Allowed 50 for which we Conceive the Same ffee may be allowed in These.

A Writ of Diminution We Conceive ought to be as much as a Common Capias, and that is 28.

Decemb[r] the 16[th] 1696.

Whitehall Ord[r] abt S[r] Thomas his ffees

The above Report & List of ffees being Read was Approved off by this Board being pleased to Ord[r] Thereon as it is hereby Ordered that the ffees as they are laid down in the above List; before the ffuture taken by the hon[rble] the Secry of the Province but as to those relating to the King, he is Referred to lay the same before his majesty in Councill.

Ordr for a Report to be given abt the State House

His Excncy is pleased to give Notice to the Justices of the Provll Court that they be all there prsent upon the Bench & that what Burgesses were in Town should be Summoned to be there having some thing to communicate to them in publick. Lib. H. D. p. 431

His Excncy accordingly goes Down to the Court House attended with the Gentlemen of his Mats honrble Councill, wherein Open Court he was pleased to say that he was Come to impart a matter to them concerning the Intrest of the whole Countrey Vizt

The New State House building which it was fear'd would take damage for want of being covered; the Carpinter at work upon the sd House (being there prsent) was asked how ffarr he had proceeded and why it is not Cover'd who makes Answer that he Can doe no more towards it than he has done for want of Stuffe, and as to what work is done and still to doe, it is a Rule among Workmen for to Reckon a House but halfe done when the Roofe is Raised; he is Asked what damage the work will take, if it will not be Cover'd this Winter, Who does say that the wooden Work will not Suffer very much, but the Brick work will, to which the Brick-layers (being prsent and asked their Opinion) did agree, Whereupon it is proposed by his Excncy that two of his Mats honrble Councill, two of the Justices of the Provll Court & two of the members of the House of Burgesses do goe and Veiw the sd House & make Report what Remains still to be done, both as to the work and Charge, what damage is like to Ensue if the same is not Speedily inclosed and what methods will be best for the Speedy preserving thereof from the Weather; and were accordingly appointed the honrble Coll: John Courts and Thomas Brook Esq of his Mats Councill, Capt Richard Hill, & Capt Philip Hoskins two of the Justices of the Provll Court, Majr Edward Dorsey & Mr Wm Hemsley two of the members of the House of Burgesses, the Carpinter and Bricklayers were Ordered likewise to Attend them, and Mr Wm Bladen Clerk of the House of Burgesses to take the sd Report.

At the Port of Annapolis p. 447

Janry the 4th 1696.

Ordr abt a Spll Commission to issue for Tryall of the Ship Charles of Topsham &ca

Maryland: ss

Came Richard Basse Mastr of the Ship Charles of Topsham and preferred unto his Excncy the Governr a certain petition (the honrble Sr Thomas Laurence Baront Secryr being the only prson of his Mats honrble Councill then prsent, by reason of bad weather,

Lib. H. D. Whitehall

and their living so remote, except his hon^{r} Coll: Greenberry who is much indisposed and very lame of the gout, therefore more of his Ma^{ts} hon^{rble} Councill could not possibly in any reasonable time be got together) setting forth that his s^{d} Ship had been lately seized by M^{r} Tho^{s} Collyer through the information of one Gabriell Parrot for importing Goods contrary to the Act of Parliam^{t} & being an unfree bottom &^{ca} therefore humbly prayed a Speciall Commission might issue for Tryall of the s^{d} supposed breaches whereby a Speedy end might be put thereto, as by the s^{d} Petition recourse being thereunto had may more at large Appear His Ex^{ncy} (by Advice) was pleased to Ord^{r} thereon as it is hereby Ordered that the s^{d} petition be Referred to M^{r} Attorney & Sollicito^{r} Gen^{ll} and M^{r} Robert Gouldesborough his Ma^{ts} Councill at Law for them Severally to make a Speedy Report thereon whether such a Commission may legally issue; And it is hereby further Considered and Ordered th^{t} if in Case they or any two of them are of Opinion tha^{t} such Commission may legally be Granted, That then a Commission do accordingly issue forth of the hon^{rble} the Secretary's Office, according to Usuall Custom & fform, hereby Constituting & appointing Maj^{r} John Hamond, Cap^{t} Richard Hill, Cap^{t} Thomas Tasker, M^{r} Philip Hoskins, M^{r} Thomas Staley & M^{r} Will^{m} Hatton or any three of them to be Commission^{rs} & Justices for the s^{d} End and purpose to hear and determine the s^{d} Matter, provided one of the two ffirst mentiond be alwaies p^{r}sent And that M^{r} Attorney & Sollicito^{r} Gen^{ll} do ascertain the time, for the Speedy bringing her to Tryall so tha^{t} the s^{d} Commission^{rs} may meet & sit at the Port of Annapolis for the s^{d} End and purpose some time this month, which his Ex^{ncy} is in hopes may be Effected by the 20th instant if bad wether or some other unavoidable Accident hinder not, it being deemed that the same will Conduce most to his Ma^{ts} Service & benefit of the parties concern'd; And for the more quick Expedition of the matter it is hereby further Ordered that they or either of them insert the time of the Justices meeting to Sit in the blanck Summons for that End & purpose issued by Ord^{r} forth of the (hon^{rble} the Secretary's Office herewith sent and that they take Care to dispatch the same away according as they are Severally directed to the End the s^{d} Justices may have due & Speedy Notice given them; And lastly the s^{d} M^{r} Attorney and Sollicito^{r} Gen^{ll} are hereby Expressly Ordered to make ready and due complyance herein & give their timely attendance here in Ord^{r} to prosecuting on his Ma^{ts} behalfe & preparing all things ready for the s^{d} Tryall.

His Ex^{ncy} is pleased to demand of M^{r} Carroll, who was sent for, being of Councill for the Pet^{r} whether he could advise of

any more expeditious way; for the Service of his Ma^ty^ and benefit of the Parties concernd whereby the s^d^ Ship might be brought to tryall, who makes answer he can not. Lib. H. D. p. 448

The s^d^ Petition and Kings Lawyers Report Severally thereon indorsed follow in these Words Viz^t^

To his Ex^ncy^ ffrancis Nicholson Esq^r^ Cap^t^ Gen^ll^ & Govern^r^ of Maryl.

The humble Peticōn of Richard Bass Master of the Ship Charles of Topsham now Riding in South River & under Seizure for some supposed breaches ag^t^ the Acts of Trade and Navigation.

Pet. of Richd Bass abt Ship Charles of Topsham &ca

Sheweth that the s^d^ Ship upon the 30^th^ day of December last was Seized by Thomas Collyer an Officer und^r^ yo^r^ Ex^ncy^ and that by information of one Gabriell Parrot that She has brought in some goods contrary to Act of Parliam^t^ as alsoe (being an unfree bottom) that She is uncapable of Trading into this Province; the former of w^ch^ allegacōns is Utterly ffalse; and the latter as yo^r^ Peticōn^r^ is advised, and is ready to make appear, in no wise Sufficient to give yo^r^ Peticon^r^ this molestation. Whitehall

That yo^r^ Petition^r^ lyes at great Charge, and if his s^d^ Ship be not brought to a Speedy Tryall for the s^d^ Supposed breaches, shall loose the opportunity of Sayling with the Convoy whereby not only yo^r^ Petition^rs^ Owners will be considerable loosers but likewise his Ma^ty^ loose at least the Sume of 4000^ll^ Sterl. w^ch^ will be his due for Custom upon Landing her loading in Engl. wherefore

Yo^r^ Peticōn^r^ humbly Prays that in Consideracōn of the P^r^mises yo^r^ Ex^ncy^ out of yo^r^ wonted goodness, and tenderness to Traders as well as out of yo^r^ Zeal for promoteing his Ma^tys^ interest will please to Appoint Speciall Commission^rs^ and that with all the Speed yo^r^ Ex^ncy^ Can with Convenience for Tryall of the s^d^ Supposed Breaches, that yo^r^ Peticon^r^ may know the issue of the matter;

And as in Duty bound he will Pray
Richard Bass

Jan^ry^ the 5^th^ 1696.

May it Please yo^r^ Ex^ncy^

The Kings Lawyrs Report thereon.

Ive read and perused the Statute of Westminster the Second, and my Lord Cokes comments thereon, and upon consideracōn of the whole, I am of Opinion that a Commission of Oyer and Terminer cannot in this Case be Granted. Whitehall

Yo^r^ Ex^ncys^ humble Servant
R: Gouldesborough

Lib. H. D. Upon Consideracōn of the Statute & Comment afores[d] and the Constant practice & Constitution of this Province Consonant to the Laws of England I am of Opinion that such a Commission as is prayed may be Granted & Executed in this Province I am Yo[r] Obedient Servant
W[m] Dent

Jan[ry] the 17[th] 1696/7.

p. 449 I am of Opinion that a Speciall Commission of Oyer and Terminer does well lye in this Case the same being Agreeable to Severall Commissions of this nature heretofore Granted upon such Occasions and alwaies allowed Legall.
Yo[r] Ex[ncys] Obedient Servant
George Plater

Jan[ry] the 28[th] 1696.

The Commission approved off by Mr Attorney & Sollicito[r] Gen[ll] &ca

Produced accordingly unto his Ex[ncy] (in the p[r]sence of the hon[rble] S[r] Thomas Laurence Barron[t] Secretary no more of his ma[ts] Councill being possibly to be got together) a Speciall Commission for Tryall of the aforementioned Ship (being the day appointed for Tryall) which was given to M[r] Attorney and Sollicito[r] Gen[ll] for their perusall & Opinion thereon, the which being by them approved to be a legall & Warrantable Commission for the design intended was signed by his Ex[ncy] and passed the Broad Seal of the Province.

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